

1 SB165
2 164515-4
3 By Senator Beasley
4 RFD: Health and Human Services
5 First Read: 05-MAR-15

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8 SYNOPSIS: Under existing law, the Board of
9 Prosthetists and Orthotists licenses and regulates
10 persons engaged in practice of prosthetics,
11 orthotics, and pedorthics. A person who is not
12 licensed who is employed in a diagnostic
13 laboratory, hospital, or rehabilitation facility or
14 who is a medical laboratory technician is exempt
15 from the law. Also, students in certain educational
16 programs are not exempt from the law.

17 This bill would remove these exemptions.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 Relating to the Board of Prosthetists and
24 Orthotists; to amend Section 34-25A-5 of the Code of Alabama
25 1975, relating to the practice of prosthetics, orthotics, and
26 pedorthics by persons who are not licensed by the board; to

1 delete certain employment and educational settings where
2 unlicensed persons may practice.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 34-25A-5 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§34-25A-5.

7 "(a) Except as provided in subsection (h) or (i), no
8 person shall administer prosthetic, orthotic, or pedorthic
9 care in this state unless licensed or registered to do so in
10 accordance with this chapter. The board shall issue approved
11 forms for application prior to January 1, 2003.

12 "(b) In order to obtain a license as a prosthetist,
13 orthotist, or prosthetist/orthotist in this state, an
14 applicant shall be a citizen of the United States or, if not a
15 citizen of the United States, a person who is legally present
16 in the United States with appropriate documentation from the
17 federal government, and shall do the following:

18 "(1) File a written application on forms to be
19 developed and approved by the board. The applicant shall meet
20 at least one of the following requirements after a one-year
21 grandfather period:

22 "a. The applicant shall possess a baccalaureate
23 degree in orthotics and prosthetics from a college or
24 university accredited by a regional accrediting agency and
25 complete 1,900 hours per discipline sought of directed
26 employment under the supervision of a certified/licensed
27 prosthetist, a certified/licensed orthotist or a

1 certified/licensed prosthetist/orthotist in an accredited
2 facility, and be certified as a prosthetist, orthotist, or
3 prosthetist/orthotist by a nationally recognized certifying
4 board in orthotics and prosthetics accredited by the National
5 Commission for Certifying Agencies (NCCA), or such other
6 national agency as approved by the board, in the discipline or
7 disciplines for which the application is made.

8 "b. The applicant shall possess a baccalaureate
9 degree from a regionally accredited college or university and
10 have successfully completed a post-baccalaureate certificate
11 course approved by the board and completed 1,900 hours of
12 directed employment per discipline in which license is sought
13 under the supervision of a certified/licensed prosthetist, a
14 certified/licensed orthotist, or a certified/licensed
15 prosthetist/orthotist in an accredited facility, and be
16 certified by a nationally recognized certifying board in
17 prosthetics or orthotics accredited by the National Commission
18 for Certifying Agencies (NCCA), or such other national agency
19 as approved by the board, in the discipline or disciplines for
20 which application is made.

21 "c. The applicant shall possess an associate's
22 degree from a regionally accredited college or university,
23 junior college, or community college and have successfully
24 completed postsecondary coursework in anatomy, physiology,
25 physics, biology, chemistry, algebra, and calculus and have
26 worked under the supervision of a certified/licensed
27 prosthetist, a certified/licensed orthotist, or a

1 certified/licensed prosthetist/orthotist for not less than
2 four consecutive years of the past six years in an accredited
3 facility, and be certified by a nationally recognized
4 certifying board in prosthetics or orthotics accredited by the
5 National Commission for Certifying Agencies (NCCA), or such
6 other national agency as may be approved by the board.

7 "d. The applicant shall have successfully completed
8 postsecondary coursework in anatomy, physiology, physics,
9 biology, chemistry, algebra, and calculus and have worked
10 under the supervision of a certified/licensed prosthetist, a
11 certified/licensed orthotist, or a certified/licensed
12 prosthetist/orthotist for not less than eight years of the
13 last 12 years and be certified as a prosthetist, orthotist, or
14 prosthetist/orthotist by a nationally recognized board
15 accredited by the National Commission for Certifying Agencies
16 (NCCA), or such national agency as may be approved by the
17 board, in the discipline or disciplines for which application
18 is made.

19 "(2) Any applicant after the first year following
20 the board's issuance of applications shall meet the
21 requirements of subdivision (1) of subsection (b) prior to
22 receiving a license as a prosthetist, an orthotist, or a
23 prosthetist/orthotist.

24 "(c) In order to obtain a license as a pedorthist in
25 this state, an applicant shall be a citizen of the United
26 States or, if not a citizen of the United States, a person who
27 is legally present in the United States with appropriate

1 documentation from the federal government, and shall file a
2 written application on forms to be developed and approved by
3 the board. Applicants shall be in good standing as a certified
4 pedorthist with an entity accredited by the National
5 Commission for Certifying Agencies.

6 "(d) In order to obtain registration as an orthotic
7 supplier, an applicant shall be a citizen of the United States
8 or, if not a citizen of the United States, a person who is
9 legally present in the United States with appropriate
10 documentation from the federal government, and shall do the
11 following:

12 "(1) File a written application on forms to be
13 developed and approved by the board. Such forms shall require
14 personal information such as full name, current address,
15 educational status and history, and work history for the last
16 five years of employment.

17 "(2) The application forms shall be accompanied,
18 when submitted, by attestation of employment by or contractual
19 relationship with a manufacturer of orthoses or orthosis
20 components whether registered with the United States Food and
21 Drug Administration or not. Attestation shall be by notarized
22 statement signed by the president, chief operating officer, or
23 other designated corporate official of the employing company.

24 "(e) The board shall grant a license without an
25 examination for those qualified applicants who apply within
26 one year of the issuance of application forms by the board.
27 For purposes of this subsection, qualified applicants are

1 those who possess current credentials as a Certified
2 Prosthetist, Certified Orthotist, or Certified
3 Prosthetist/Orthotist issued by the American Board for
4 Certification in Orthotics and Prosthetics, Incorporated, or
5 the Board for Orthotist/Prosthetist Certification as a
6 prosthetist, orthotist, or prosthetist/orthotist.

7 "(f) The board may issue a 12-month temporary
8 license as a prosthetist, an orthotist, a pedorthist, or a
9 prosthetist/orthotist to persons who have applied for
10 licensure and are awaiting examination. The temporary license
11 is renewable once for a six-month period if the applicant
12 fails to pass the examination at the first sitting.

13 "(g) The board shall grant a license as a
14 prosthetist, an orthotist, a prosthetist/orthotist, or
15 pedorthist to an applicant in possession of a current license
16 as a prosthetist, orthotist, prosthetist/orthotist, or
17 pedorthist in another state or territory of the United States
18 without examination if the board determines that the
19 credentialing standards set by the other state or territory
20 are substantially equivalent to the standards set by the board
21 for this state.

22 "(h) No person may represent himself or herself as a
23 licensed prosthetist, licensed orthotist, licensed
24 prosthetist/orthotist, or licensed pedorthist, use a title or
25 description of services, or engage in the practice of
26 prosthetics, orthotics, or pedorthics without applying for
27 licensure, meeting the required qualifications, and being

1 licensed by the board unless otherwise exempted by this
2 chapter. A person not licensed with the board may not
3 represent himself or herself as being so licensed and may not
4 use, in connection with his or her name, the words licensed
5 orthotist, orthotist, licensed prosthetist, prosthetist,
6 licensed prosthetist/orthotist, prosthetist/orthotist,
7 licensed pedorthist, pedorthist, licensed orthotic fitter,
8 orthotic fitter, licensed mastectomy fitter, mastectomy
9 fitter, licensed therapeutic shoe fitter, therapeutic shoe
10 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
11 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
12 letters, words, signs, numbers, or insignia indicating or
13 implying that he or she is either a licensed prosthetist, a
14 licensed orthotist, a licensed prosthetist/orthotist, a
15 licensed pedorthist, a licensed mastectomy fitter, a licensed
16 therapeutic shoe fitter, or a licensed orthotic fitter in the
17 State of Alabama without first having a valid license. The
18 license shall be posted in a conspicuous location at the
19 person's work site.

20 "(i) Nothing in this chapter shall be construed to
21 prohibit or restrict the following:

22 "(1) The practice of prosthetics, orthotics, or
23 pedorthics by individuals authorized and performing services
24 within their authorized scopes of practice as adopted by the
25 State of Alabama Legislature including, but not limited to,
26 authorized health care practitioners, doctors of podiatry,

1 chiropractors, physical therapists, and occupational
2 therapists licensed in this state.

3 "(2) The practice of prosthetics, orthotics, or
4 pedorthics by an individual employed by, or in the service of
5 the government of the United States of America while engaged
6 in the performance of duties prescribed by the laws of the
7 United States of America.

8 "(3) The practice of prosthetics, orthotics, or
9 pedorthics by any person not licensed as a prosthetist,
10 orthotist, prosthetist/orthotist, orthotic fitter, therapeutic
11 shoe fitter, or pedorthist in accordance with this chapter who
12 is directly employed in a ~~diagnostic laboratory~~, hospital,
13 rehabilitation facility, or authorized health care
14 practitioner's office ~~or as a medical lab technician or~~
15 ~~technologist whose function is to administer treatment or~~
16 ~~perform diagnostic procedures confined to that laboratory or~~
17 ~~office~~ under the direction of an authorized health care
18 practitioner.

19 ~~"(4) The practice of prosthetics, orthotics, or~~
20 ~~pedorthics by a person who is a regular or full-time student~~
21 ~~in a prosthetic or orthotic educational program approved by~~
22 ~~the board, and whose designated status is student or trainee.~~

23 "~~(5)~~ (4) A person fulfilling the supervised residency
24 or internship experience requirements described in this
25 chapter.

26 "~~(6)~~ (5) A person who meets the qualifications listed
27 in subdivision (1) of subsection (b) from performing

1 prosthetic, orthotic, or pedorthic services in this state,
2 provided the services are not performed for more than 60 days
3 per 12-month period, after notification to the board.

4 "~~(7)~~(6) The practice of pharmacy by an individual
5 subject to Chapter 23 of this title."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.