

1 SB165
2 164515-6
3 By Senator Beasley
4 RFD: Health and Human Services
5 First Read: 05-MAR-15

1 SB165

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Board of Prosthetists and
12 Orthotists; to amend Section 34-25A-5 of the Code of Alabama
13 1975, relating to the practice of prosthetics, orthotics, and
14 pedorthics by persons who are not licensed by the board; to
15 delete certain employment and educational settings where
16 unlicensed persons may practice.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 34-25A-5 of the Code of Alabama
19 1975, is amended to read as follows:

20 "§34-25A-5.

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

1 "(b) In order to obtain a license as a prosthetist,
2 orthotist, or prosthetist/orthotist in this state, an
3 applicant shall be a citizen of the United States or, if not a
4 citizen of the United States, a person who is legally present
5 in the United States with appropriate documentation from the
6 federal government, and shall do the following:

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

11 "a. The applicant shall possess a baccalaureate
12 degree in orthotics and prosthetics from a college or
13 university accredited by a regional accrediting agency and
14 complete 1,900 hours per discipline sought of directed
15 employment under the supervision of a certified/licensed
16 prosthetist, a certified/licensed orthotist or a
17 certified/licensed prosthetist/orthotist in an accredited
18 facility, and be certified as a prosthetist, orthotist, or
19 prosthetist/orthotist by a nationally recognized certifying
20 board in orthotics and prosthetics accredited by the National
21 Commission for Certifying Agencies (NCCA), or such other
22 national agency as approved by the board, in the discipline or
23 disciplines for which the application is made.

24 "b. The applicant shall possess a baccalaureate
25 degree from a regionally accredited college or university and
26 have successfully completed a post-baccalaureate certificate

1 course approved by the board and completed 1,900 hours of
2 directed employment per discipline in which license is sought
3 under the supervision of a certified/licensed prosthetist, a
4 certified/licensed orthotist, or a certified/licensed
5 prosthetist/orthotist in an accredited facility, and be
6 certified by a nationally recognized certifying board in
7 prosthetics or orthotics accredited by the National Commission
8 for Certifying Agencies (NCCA), or such other national agency
9 as approved by the board, in the discipline or disciplines for
10 which application is made.

11 "c. The applicant shall possess an associate's
12 degree from a regionally accredited college or university,
13 junior college, or community college and have successfully
14 completed postsecondary coursework in anatomy, physiology,
15 physics, biology, chemistry, algebra, and calculus and have
16 worked under the supervision of a certified/licensed
17 prosthetist, a certified/licensed orthotist, or a
18 certified/licensed prosthetist/orthotist for not less than
19 four consecutive years of the past six years in an accredited
20 facility, and be certified by a nationally recognized
21 certifying board in prosthetics or orthotics accredited by the
22 National Commission for Certifying Agencies (NCCA), or such
23 other national agency as may be approved by the board.

24 "d. The applicant shall have successfully completed
25 postsecondary coursework in anatomy, physiology, physics,
26 biology, chemistry, algebra, and calculus and have worked

1 under the supervision of a certified/licensed prosthetist, a
2 certified/licensed orthotist, or a certified/licensed
3 prosthetist/orthotist for not less than eight years of the
4 last 12 years and be certified as a prosthetist, orthotist, or
5 prosthetist/orthotist by a nationally recognized board
6 accredited by the National Commission for Certifying Agencies
7 (NCCA), or such national agency as may be approved by the
8 board, in the discipline or disciplines for which application
9 is made.

10 "(2) Any applicant after the first year following
11 the board's issuance of applications shall meet the
12 requirements of subdivision (1) of subsection (b) prior to
13 receiving a license as a prosthetist, an orthotist, or a
14 prosthetist/orthotist.

15 "(c) In order to obtain a license as a pedorthist in
16 this state, an applicant shall be a citizen of the United
17 States or, if not a citizen of the United States, a person who
18 is legally present in the United States with appropriate
19 documentation from the federal government, and shall file a
20 written application on forms to be developed and approved by
21 the board. Applicants shall be in good standing as a certified
22 pedorthist with an entity accredited by the National
23 Commission for Certifying Agencies.

24 "(d) In order to obtain registration as an orthotic
25 supplier, an applicant shall be a citizen of the United States
26 or, if not a citizen of the United States, a person who is

1 legally present in the United States with appropriate
2 documentation from the federal government, and shall do the
3 following:

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

9 "(2) The application forms shall be accompanied,
10 when submitted, by attestation of employment by or contractual
11 relationship with a manufacturer of orthoses or orthosis
12 components whether registered with the United States Food and
13 Drug Administration or not. Attestation shall be by notarized
14 statement signed by the president, chief operating officer, or
15 other designated corporate official of the employing company.

16 "(e) The board shall grant a license without an
17 examination for those qualified applicants who apply within
18 one year of the issuance of application forms by the board.
19 For purposes of this subsection, qualified applicants are
20 those who possess current credentials as a Certified
21 Prosthetist, Certified Orthotist, or Certified
22 Prosthetist/Orthotist issued by the American Board for
23 Certification in Orthotics and Prosthetics, Incorporated, or
24 the Board for Orthotist/Prosthetist Certification as a
25 prosthetist, orthotist, or prosthetist/orthotist.

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

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

16 "(h) No person may represent himself or herself as a
17 licensed prosthetist, licensed orthotist, licensed
18 prosthetist/orthotist, or licensed pedorthist, use a title or
19 description of services, or engage in the practice of
20 prosthetics, orthotics, or pedorthics without applying for
21 licensure, meeting the required qualifications, and being
22 licensed by the board unless otherwise exempted by this
23 chapter. A person not licensed with the board may not
24 represent himself or herself as being so licensed and may not
25 use, in connection with his or her name, the words licensed
26 orthotist, orthotist, licensed prosthetist, prosthetist,

1 licensed prosthetist/orthotist, prosthetist/orthotist,
2 licensed pedorthist, pedorthist, licensed orthotic fitter,
3 orthotic fitter, licensed mastectomy fitter, mastectomy
4 fitter, licensed therapeutic shoe fitter, therapeutic shoe
5 fitter, or letters "L.O.," "L.P.," "L.P.O.," "L.O.A.," "LPed,"
6 "L.P.A.," "L.P.O.A.," "L.M.F.," "L.O.F.," "L.T.S.F." or other
7 letters, words, signs, numbers, or insignia indicating or
8 implying that he or she is either a licensed prosthetist, a
9 licensed orthotist, a licensed prosthetist/orthotist, a
10 licensed pedorthist, a licensed mastectomy fitter, a licensed
11 therapeutic shoe fitter, or a licensed orthotic fitter in the
12 State of Alabama without first having a valid license. The
13 license shall be posted in a conspicuous location at the
14 person's work site.

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

17 "(1) The practice of prosthetics, orthotics, or
18 pedorthics by individuals authorized and performing services
19 within their authorized scopes of practice as adopted by the
20 State of Alabama Legislature including, but not limited to,
21 authorized health care practitioners, doctors of podiatry,
22 chiropractors, physical therapists, and occupational
23 therapists licensed in this state.

24 "(2) The practice of prosthetics, orthotics, or
25 pedorthics by an individual employed by, or in the service of
26 the government of the United States of America while engaged

1 in the performance of duties prescribed by the laws of the
2 United States of America.

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

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

18 "~~(5)~~ (4) A person fulfilling the supervised residency
19 or internship experience requirements described in this
20 chapter.

21 "~~(6)~~ (5) A person who meets the qualifications listed
22 in subdivision (1) of subsection (b) from performing
23 prosthetic, orthotic, or pedorthic services in this state,
24 provided the services are not performed for more than 60 days
25 per 12-month period, after notification to the board.

1 "~~(7)~~(6) The practice of pharmacy by an individual
2 subject to Chapter 23 of this title."

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

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3 Senate

4 Read for the first time and referred to the Senate
5 committee on Health and Human Services..... 05-MAR-15
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7 Read for the second time and placed on the calen-
8 dar 1 amendment..... 18-MAR-15
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10 Read for the third time and passed as amended 19-MAR-15

11 Yeas 30
12 Nays 0

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15 Patrick Harris
16 Secretary
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