

SB198 INTRODUCED



1 SB198
2 L5F33YY-1
3 By Senator Kelley
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 21-Jan-26



SYNOPSIS:

Under existing law, a person and facility must be licensed by the Alabama State Board of Prosthetists and Orthotists to provide prosthetic, orthotic, or pedorthic care in the state.

This bill would abolish the board and the requirement to be licensed by the board to provide prosthetic, orthotic, or pedorthic care.

This bill would require all persons and facilities providing prosthetic, orthotic, or pedorthic care to be certified by a national certifying entity.

This bill would provide criminal penalties for violations

This bill would require a person to receive a minimum amount of continuing education for certification by a national certifying entity from the Alabama Prosthetics and Orthotics Association.

This bill would authorize the Alabama Prosthetics and Orthotics Association to levy fees on certified persons to be deposited into the Alabama Prosthetics and Orthotics Certification Fund.

This bill would also establish the Alabama Prosthetics and Orthotics Certification Fund in the State Treasury.



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A BILL

TO BE ENTITLED

AN ACT

Relating to prosthetists and orthotists; to require certification by a national certifying entity to provide prosthetic, orthotic, or pedorthic care; to provide criminal penalties for violations; to require a minimum amount of continuing education for a certifying entity be received from the Alabama Prosthetics and Orthotics Association; to authorize the association to levy fees for deposit into the Alabama Prosthetics and Orthotics Certification Fund in the State Treasury; and to repeal Chapter 25A of Title 34, Code of Alabama 1975, establishing to the Alabama State Board of Prosthetists and Orthotists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this section, the following terms have the following meanings:

(1) FACILITY. A facility where prosthetic, orthotic, or pedorthic care is provided.

(2) NATIONAL CERTIFYING ENTITY. Any national credentialing organization for ensuring the safe and effective provision of orthotic, prosthetic, or pedorthic services that is approved by the Secretary of State, including the American Board for Certification in Orthotics, Prosthetics and Pedorthics and the Board of Certification/Accreditation.

(3) ORTHOSIS. A custom-fabricated, definitive brace or



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support that is designed for long-term use. Except for the treatment of scoliosis, the term does not include prefabricated or direct-formed orthotic devices or commercially available knee orthoses used following injury or surgery, upper extremity adaptive equipment, finger splints, leather wrist gauntlets, face masks used following burns, wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair, fabric or elastic supports, corsets, arch supports, also known as non-custom or prefabricated orthotics, low-temperature formed plastic splints, trusses, elastic hose, canes, crutches, cervical collars, dental appliances, and other similar devices such as those commonly carried in stock by a pharmacy, hospital, rehabilitation facility, department store, corset shop, or surgical supply facility.

(4) ORTHOTICS. The science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The term includes all of the following:

a. Evaluations, consultation, and continuing care, with basic observational gait and posture analysis.

b. Assessing the need for and measuring, designing, manufacturing, and fitting orthoses to maximize function and provide the support and alignment necessary to prevent or correct deformity or to improve the safety and efficiency of



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mobility or locomotion, or both.

c. Periodic evaluation and consultation to assess an orthosis's effect on the patient's tissue and assure proper fit and function of the orthosis.

(5) ORTHOTIST. An individual certified by a national certifying entity to practice orthotics.

(6) PEDORTHIC DEVICE. Custom therapeutic shoes that:

a. Address a medical condition of the foot below the ankle;

b. Are prescribed by an authorized health care practitioner, including diabetic shoes, for the treatment of partial or complete amputation of the foot, foot ulceration, pre-ulcerative callous, or foot deformity, shoe modifications made for therapeutic purposes, partial foot prostheses, and foot orthoses and orthoses for use from the knee and below; and

c. Are used for the treatment or alleviation, or both, of a condition that has its origin in the foot.

(7) PEDORTHICS. The design, manufacture, modification, or fit of custom shoes, orthoses, and pedorthic devices to prevent or alleviate foot problems caused by disease, congenital defect, overuse, or injury.

(8) PEDORTHIST. An individual certified by a national certifying entity to practice pedorthics.

(9) PROSTHESIS. A definitive artificial limb that is alignable or articulated or, in lower extremity applications, capable of bearing weight. The term includes an artificial medical device that is not surgically implanted and that is



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used to replace a missing limb, appendage, or other external human body part and that includes an artificial limb, hand, or foot. The term does not include artificial eyes, ears, dental appliances, ostomy products, devices such as artificial breasts or eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

(10) PROSTHETICS. The science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial education necessary to accomplish the wearing and use of a prosthesis, through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The term includes all of the following:

a. The generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual limb to create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis.

b. Observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient.

c. Evaluating, consulting, and providing continuing patient care in order to assess the effect of the prosthetic



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device on the patient's tissues and to assure proper fit and function of the prosthetic device.

(11) PROSTHETIST. An individual who is certified by a national certifying entity to practice prosthetics.

(b) Beginning October 1, 2026, a prosthetist, orthotist, pedorthist, fitter, assistant, or facility may not provide prosthetic, orthotic, or pedorthic care, or otherwise practice or operate, without a current and valid certification from a national certifying entity.

(c) An individual required to be certified pursuant to subsection (b) shall complete not less than half of any continuing education required to maintain a current and valid certification from a national certifying entity through courses and clinical programs offered by the Alabama Prosthetics and Orthotics Association.

(d)(1) All persons required to be certified pursuant to subsection (b) shall submit proof of valid certification to the Alabama Prosthetics and Orthotics Association. The association shall keep a record of all certified persons and verify and record all certified individual's completed continuing education.

(2) The association may assess an annual fee on certified persons not to exceed two hundred fifty dollars (\$250).

(3)a. The association shall maintain a dedicated administrative division that is separate from its normal operations for the administration of its duties pursuant to this section. The association shall deposit all funds



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collected pursuant to this section in the Alabama Prosthetics and Orthotics Certification Fund that is established in the State Treasury. The fund shall be administered by the Alabama Prosthetics and Orthotics Association to defray costs incurred in carrying out this section.

b. Receipts deposited into the fund shall be disbursed only by warrants of the Comptroller drawn upon the State Treasury on itemized vouchers approved by the director of the department. No funds shall be withdrawn or expended except as budgeted and allocated according to Article 4 of Chapter 4 and Chapter 19 of Title 41, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations act, other appropriations acts, or this section. At the end of each fiscal year, any unencumbered balance shall not revert to the State General Fund under Section 41-4-93, Code of Alabama 1975.

(e)(1) A violation of subsection (b) is a Class B misdemeanor.

(2) The Attorney General may bring an action in circuit court to enjoin a violation of this section.

Section 2. Chapter 25A of Title 34, Code of Alabama 1975, establishing to the Alabama State Board of Prosthetists and Orthotists, is repealed.

Section 3. This act shall become effective on October 1, 2026.