

1 HB132  
2 164515-4  
3 By Representative Johnson (R)  
4 RFD: Boards, Agencies and Commissions  
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

22  
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.