

ALABAMA STATE BOARD OF PROSTHETISTS AND ORTHOTISTS
ADMINISTRATIVE CODECHAPTER 746-X-2
LICENSURE

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746-X-2-.01 Annual License Required.

All licenses and accreditations issued by The Alabama State Board of Prosthetists and Orthotists expire on December 31st of each year and must be renewed no later than January 31st of each year. Any fees required for licensing and accreditation shall not be prorated.

Author: Board of Prosthetists and Orthotists

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed April 29, 2005; effective June 3, 2005.

Amended: Filed March 30, 2012; effective May 4, 2012.

746-X-2-.02 Professional Conduct Required.

(1) The board may refuse to license, renew a license or may suspend or revoke, or impose probationary conditions or impose administrative fines not exceeding \$1000 per violation as disciplinary actions if found guilty of unprofessional conduct included in Code of Ala. 1975, §34-25A-1-14.

(2) The Board may after a hearing in accordance with the Administrative Procedures Act exercise the disciplinary action authorized in this section.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005. **Amended:** Filed March 30, 2012; effective May 4, 2012.

Ed. Note: Original Rules 746-X-2-.01 through 746-X-2-.10, consecutively were changed to Rules 746-X-2-.02 through 746-X-2-.11, consecutively due to the certification filed April 29, 2005; effective June 3, 2005. Only the rule numbers were changed.

746-X-2-.03 Application Required.

(1) Application forms for licensure shall be adopted by the board and shall be disseminated to prospective applicants. Application forms for licensure shall require attestation of comprehensive care and/or work experience by the applicant.

(2) The Board directs staff to prepare and create new forms, or modify existing forms, to be used in the application process for licensure and temporary licensure. Application forms shall require applicants to submit all information required by Code of Ala. 1975, §34-25A-1-14.

(3) Application forms may be obtained upon written request from the Board office.

(4) An applicant for licensure by the Board in accordance by Code of Ala. 1975, §34-25A-1-14, shall provide the Board with all information required pursuant to Code of Ala. 1975, §34-25A-1-14 on forms created for that purpose by staff. In addition, an applicant shall provide either original documents or notarized or certified duplicates.

(5) The application and forms shall be submitted to the Board accompanied by fees as set by the Board. Any incomplete or missing information, documentation or fees shall render the application incomplete. No license shall be issued unless all application requirements have been met. Incomplete applications will be considered abandoned after one year. Any applicable fees paid shall not be refunded.

(6) The applicant shall be forthright and open in the provision of information to the Board in the application process. No applicant shall be awarded a license who does not provide the Board with complete, open and honest response to all request for information.

(7) Any Board member, based on any response to any question or request for information on the application form, may request an applicant to provide any additional information that the Board

member feels is necessary or useful to determine the applicant's ability to practice orthotics and/or prosthetics.

(8) The applicant shall be candid in regard to the provision of information related to any academic misconduct or disciplinary action.

(9) The applicant shall be provided a copy of the Board rules on unprofessional conduct. The applicant shall review such rules and state candidly and honestly whether the applicant has committed any act that would constitute grounds for disciplinary action by the Board under the rules of the Board.

(10) The applicant shall cause to be paid all necessary fees related to the application.

(11) It is the responsibility of the applicant to verify the applicant's identity and the validity of all documents or information submitted to the Board in the licensure process.

(12) The Board may contact other sources as necessary to verify information provided during the application process. Should information be found through correspondence that was previously unknown to the Board, the application will be held until such time as the Secretary of the Board is satisfied that the information has been validated by the staff.

(13) An applicant may withdraw an application for licensure at any time prior to the submission of the application for consideration by the Board. No application may be withdrawn by an applicant after it has been submitted to the Board.

(14) A foreign applicant shall provide the Board with written proof of the applicant's ability to work in the United States as authorized by the United States Immigration and Naturalization Service.

(15) Work experience required in section 5(b)(1)C and D and comprehensive care as required in 5 (d) (2) shall be as followed:

(a) Orthotics: the provision of comprehensive care for persons with a need for an orthosis. A license with comprehensive care experience must have applied the skills of evaluation, measurement, designing, fabricating, assembling, fitting, adjusting, servicing, initial training necessary to properly utilize and use an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease injury, or deformity and maintenance of current progress notes and patient records. A practitioner must apply the aforementioned comprehensive care criteria to at least nine (9) of the following orthoses: foot orthosis; ankle-foot orthosis; knee orthosis; cervical orthosis; cervical-thoracic orthosis; thoracic-lumbar-sacral orthosis; lumbar-sacral

orthosis; cervical-thoracic- lumbar-sacral orthosis; hand orthosis; wrist-hand orthosis; elbow orthosis; shoulder-elbow orthosis; shoulder-elbow-wrist-hand orthosis.

(b) Prosthetics: the provision of comprehensive care for persons with a need for prosthesis. A licensee with comprehensive care experience must have applied the skills of evaluation, measurement, designing, fabricating, assembling, fitting, adjusting, servicing, initial training necessary to properly utilize the prosthesis and maintenance of current encounter notes and patient records. A practitioner must apply the aforementioned comprehensive care criteria to at least six (6) of the following prostheses: wrist disarticulation prosthesis; below elbow prosthesis; above elbow; partial foot prosthesis; symes prosthesis; below knee prosthesis; above knee prosthesis; knee disarticulation prosthesis.

(16) Definitions may be added or amended by act of the Board as required.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005. **Amended:** Filed March 30, 2012; effective May 4, 2012.

746-X-2-.04 Application Fee Required.

(1) Application fees, licensure fees, temporary licensing fees, and other fees as set by the board may be amended by two-thirds vote of board members present at a regular or called meeting of the Board. Fees shall not exceed the limits established in Code of Ala. 1975, §34-25A-1-14.

(2) Unless otherwise specified, the fees established in this section must be paid to the Board before a license is issued. Fees may be submitted as a personal check, business check, money order, or certified check paid by mail.

(3) Schedule of fees. The board has established the schedule of fees as follows:

- (a) application fees for licensure-- \$175
- (b) application fees for Orthotic Suppliers-- \$150
- (c) license fees- single discipline-- \$450
- (d) license fees-dual discipline-- \$900
- (e) Orthotic Suppliers License fees-- \$350

(f) Licensed associate fees-- \$250

(g) License fees for a single discipline temporary license -- \$450

(h) License fees for a dual discipline temporary license-- \$900

(4) Grace Period. (January) There shall be a grace period of thirty days for license renewals. After this time, the applicant is in violation of ACT-2002-527 and may be brought in front of the Alabama State Board of Prosthetists and Orthotists and their license may be suspended, revoked, or a fine may be imposed in accordance with Code of Ala. 1975, §34-25A-1-14 for each violation which consists of each patient seen.

(5) Returned Check Fee. Maximum fee allowed by Code of Ala. 1975, §8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or it dishonored by the institution.

(6) Returned checks. Returned checks will be subject to the following procedure:

(a) A license, or accredited facilities, whose check is returned due to insufficient funds, account closed, payments stopped, or other reason, shall remit a money order or check for guaranteed funds to the board within 30 days of the date of the board's notice.

(b) The application shall be considered incomplete until the replacement fee has been received in accordance with Section A.

(c) If a license has been issued, it shall be invalid until the replacement fee is received.

(d) If a money order or check for guaranteed funds is not received within 30 days of the date of the board's notice, the board shall notify the applicant and the applicant's employer that the application is incomplete or the license has been invalidated due to a returned check.

(7) Review of the fee schedule. The executive director shall make periodic reviews of the fee schedule and recommend adjustments necessary to provide sufficient funds to meet the expenses of the board without creating an unnecessary surplus. Adjustments shall be made through rule amendments approved by the board.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 12, 2002; effective January 16, 2003. **Amended:** Filed October 22, 2003; effective November

26, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005. **Amended:** Filed July 21, 2009; effective August 25, 2009. **Amended:** Filed September 1, 2010; effective October 6, 2010. **Amended:** Filed March 30, 2012; effective May 4, 2012. **Amended:** Filed October 27, 2014; effective December 1, 2014. **Amended:** Published December 30, 2022; effective February 13, 2023.

746-X-2-.05 Licensure Without Examination.

All qualified applicants for licensure under the "grandfather clause" shall be received by the board no more than 60 days from the date the applications are first published. Other "grandfather clause" applicants must apply within 60 days of attaining qualifications.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005.

746-X-2-.06 Examination Required.

(1) Examination.

(a) After December 31, 2003 all applicants must pass an examination approved by the Board for licensure.

(b) All Prosthetists and Orthotists applicants must have completed and passed the BOC (Board for Orthotists and Prosthetists Certification) or ABC (American Board of Certification in Orthotics or Prosthetics) examination for Prosthetists and Orthotists.

(c) All Assistant Applications must have completed and passed the BOC or ABC examination for Assistants.

(d) All applicants must submit a copy of their certificate and/or documentation from the certifying agency showing that the applicant passed the required exam.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 17, 2004; effective January 21, 2005. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005.

746-X-2-.07 Continuing Professional Education Required.

(1)(a) Beginning January 1, 2005, as a condition of licensure renewal for, a prosthetist and/or orthotist must obtain every year a minimum of one hour of continuing education in Board approved courses on prosthetic and/or orthotic regulation and compliance with the Alabama Prosthetic and Orthotic Act and Board rules.

(b) Beginning January 1, 2005, as a condition of licensure renewal for those who are currently licensed and actively practicing in this state, a prosthetist and/or orthotist must obtain every year a minimum of one hour of continuing education Board approved courses on prosthetic and/or orthotic practitioner ethics.

(2) A minimum of 75 hours of continuing education for Single Disciplines and 100 hours of continuing education for Dual Disciplines as approved by the Alabama State Board of Prosthetists and Orthotists is required for each five (5) year period for license renewal. Continuing Education credit may be granted for:

(a) Courses, seminars and workshops which are sponsored by ABC, BOC, and/or the Alabama Prosthetic and Orthotic Association

(b) Certificate courses for an advanced specialty

(c) ABC or BOC individual self-directed studies. Other self-directed studies may be considered

(d) University/College courses which apply to the field of prosthetics and/or Orthotics. Ten hours will be awarded for each college semester credit earned with a grade of "b" or above, seven hours for each quarter hour.

(e) No more than one third (1/3) of the required hours may be completed in a distance based continuing education format which complies with the provisions of this rule.

(f) All education seminars, workshops, and/or conventions in a distance education format must be IDECC certified prior to submitting to the Executive Secretary for review by the Board.

(3) Failure to Meet Requirements.

(a) Licensees will be responsible for supplying copies of certificates of completion of approved continuing education courses along with renewal applications and fees.

(b) No license will be renewed in the absence of satisfactory evidence that the required hours have been earned.

(c) The board may consider exceptions in extenuating circumstances as described in subsection 4.

(4) Educational Requirement May Be Waived Or Deferred.

(a) A licensee who cannot complete the continuing educational requirements because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

(b) A licensee seeking a waiver or deferral must make application, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/her from engaging in the active practice of orthotics and prosthetics for a significant portion of the continuing education period.

(c) All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time to complete the required hours of continuing education shall not engage in the active practice of orthotics and prosthetics beyond December 31 of any year and until the board grants the licensee's request for waiver or deferral.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: **New Rule:** Filed December 17, 2004; effective January 21, 2005. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005. **New Rule:** Filed March 17, 2010; effective April 21, 2010. **Amended:** Filed March 19, 2014; effective April 23, 2014.

746-X-2-.08 **Issuance Of License.**

(1) Each license shall be dated and numbered in the order of issuance and shall be signed by the Presiding Officer and the executive director.

(2) It is the obligation of any holder of a license issued by the board to inform the board within 30 days of changes in employment status which shall include when one leaves any employment or employer and when one begins with any employment or employer. Failure to inform the Board as directed may result in discipline.

Author: Joseph C. Elliott, Glenn Crumpton, Mary Powers-Watts

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: **New Rule:** Filed December 17, 2002; effective January 21, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005. **Amended:** Filed March 8, 2017; effective April 22, 2017.

Ed. Note: Rule was previously 746-X-2-.05. Renumbered to 746-X-2-.07 as per certification filed December 17, 2004; effective January 21, 2005.

746-X-2-.09 Temporary Licenses.

(1) Upon application for licensure by qualified candidates and upon submission of documentation required by this chapter, a candidate shall be issued a temporary license to practice as a prosthetist, orthotists or a prosthetists/ orthotist. Such temporary license shall be valid only until the first examination is successfully passed and the Board determines whether a permanent license shall be issued. Temporary licenses maybe issued for no more than 18 consecutive months.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: **New Rule:** Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005.

Ed. Note: Rule was previously 746-X-2-.06. Renumbered to 746-X-2-.08 as per certification filed December 17, 2004; effective January 21, 2005.

746-X-2-.10 Reciprocity.

Current licensees in another state or territory of the U.S. may be granted a license without examination upon Board determination of equivalent standards as set by Code of Ala. 1975, §34-25A-1-14.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: **New Rule:** Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005.

Ed. Note: Rule was previously 746-X-2-.07. Renumbered to 746-X-2-.09 as per certification filed December 17, 2004; effective January 21, 2005.

746-X-2-.11 Lost Or Destroyed License Or Name Change.

(1) Lost or destroyed license. Any licensee whose license is lost or destroyed may be issued a replacement license upon making application to the Board.

(2) Name change. Any licensee whose name is changed by marriage or court order shall surrender his/her license, provide proof of name change and apply for a replacement license within 60 days.

Author: Joseph C. Elliott, Glenn Crumpton

Statutory Authority: Code of Ala. 1975, §34-25A-1-14.

History: New Rule: Filed December 12, 2002; effective January 16, 2003. **Amended (Rule No. Only):** Filed April 29, 2005; effective June 3, 2005.

Ed. Note: Rule was previously 746-X-2-.08. Renumbered to 746-X-2-.10 as per certification filed December 17, 2004; effective January 21, 2005.

746-X-2-.12 Reinstatement of License.

(1) In the event any Licensee allows his/her license to lapse past the required time for renewal and desires to return to active practice, he/she must apply to the Board for reinstatement of the license and must submit to the Board a Reinstatement Fee of twenty-five dollars (\$25.00) together with the applicable Renewal Fee. Any such individual must satisfy the Board that he/she is of good moral character and otherwise possesses all qualifications required by law for licensure.

(2) For any license lapsed for less than five (5) years, the licensee must also submit documentation acceptable to the Board that the annual required amount of continuing education has been completed for each year the license has been lapsed. For those whose license has lapsed for more than five (5) years, in addition to the continuing education requirements set forth above, the Board may also require the individual to enroll in and pass a refresher course approved by the Board.

Author: Board of Prosthetist and Orthotists

Statutory Authority: Code of Ala. 1975; §34-25A-1-14.

History: New Rule: Filed March 30, 2012; effective May 4, 2012.

746-X-2-.13 Applications For Spouses Of Active Duty Military Personnel.

(1) Per the Military Family Jobs Opportunity Act (Act 2018-540), an applicant shall be issued a license, pending approval, if the requirements of the original issuing state or governing body are substantially equivalent to that required by the board.

(2) Per the Military Family Jobs Opportunity Act (Act 2018-540, if an applicant is approved for licensure, the board will waive the initial licensing fee.

(3) Per the Military Family Jobs Opportunity Act (Act 2018-540, temporary licenses shall be issued to applicants for a 180-day period, so that the applicant can begin practice while completing any and all requirements for full licensure.

Author: John L. Keating

Statutory Authority: Code of Ala. 1975; §34-25A-1-14.

History: New Rule: Published October 31, 2019; effective December 15, 2019.