

APA-1

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 589 Department or Agency Alabama State Board of Prosthetists and Orthotists

Rule No. 746-X-2-.02

Rule Title: PROFESSIONAL CONDUCT REQUIRED

New	Amend (x)	Repeal	Adopt by Reference
	<input checked="" type="checkbox"/>		
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?			
			YES
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare:			
			YES
Is there another, less restrictive method of regulation available that could adequately protect the public?			
			NO
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?			
			NO
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?			
			N/A
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?			
			YES
Does the proposed rule have an economic impact?			
			NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with Subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer

Ronald E. Spill

Date

11-15-11

APA-2

**ALABAMA STATE BOARD OF PROSTHETISTS AND ORTHOTISTS  
Notice of Intended Action**

**AGENCY NAME: ALABAMA STATE BOARD OF  
PROSTHETISTS AND ORTHOTISTS**

**RULE NO. & TITLE: 746-X-2-.01 – ANNUAL LICENSE REQUIRED**  
**INTENDED ACTION: Amend Existing Rule**  
**SUBSTANCE OF PROPOSED ACTION: Deleting the words registrations and registration.**

**RULE NO. & TITLE: 746-X-2-.02 – PROFESSIONAL CONDUCT REQUIRED**  
**INTENDED ACTION: Amend Existing Rule**  
**SUBSTANCE OF PROPOSED ACTION: Deleting the word registration.**

**RULE NO. & TITLE: 746-X-2-.03 – APPLICATION REQUIRED**  
**INTENDED ACTION: Amend Existing Rule**  
**SUBSTANCE OF PROPOSED ACTION: Deleting (1) as a prosthetist, orthotist, prosthetist/orthotist or registration as an orthotic supplier; and (2) Deleting existing language in reference to registration.**

**RULE NO. & TITLE: 746-X-2-.04 - APPLICATION FEE REQUIRED**  
**INTENDED ACTION: Amend Existing Rule**  
**SUBSTANCE OF PROPOSED ACTION: Delete the words registration fees, registration, registrant, or registration, and registration, Registration. Add the words Orthotics Suppliers and Orthotic Supplier.**

**RULE NO. & TITLE: 746-X-2-.12 – REINSTATEMENT OF LICENSE**  
**INTENDED ACTION: NEW RULE**  
**SUBSTANCE OF PROPOSED ACTION: The above referenced rule is being added to allow licensees, whose license has lapsed, to apply for reinstatement of license.**

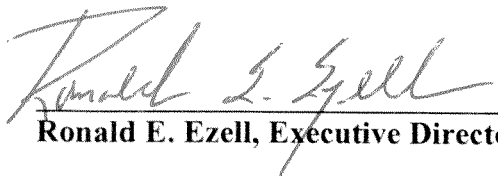
**ALABAMA STATE BOARD OF PROSTHETISTS AND ORTHOTISTS  
Notice of Intended Action**

**AGENCY NAME: ALABAMA STATE BOARD OF  
PROSTHETISTS AND ORTHOTISTS**

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** The board will provide the public with an opportunity to present their views orally by contacting the Board at 334-420-1111 or in writing at the following address: Alabama State Board of Prosthetists and Orthotists, P.O. Box 1052, Montgomery, 36101; or via electronic mail at rezell113@aol.com. Physical Address: 441 High Street, Montgomery, AL 36104. All oral and written comments to be received no later than 4:00 PM on January 5, 2012.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
The record shall be closed on January 5, 2012 at 4:00 PM.

**CONTACT PERSON AT AGENCY:** Ronald E. Ezell, Executive Director,  
Alabama State Board of Prosthetists and Orthotists, P.O. Box 1052, Montgomery,  
AL 36101; 441 High Street, Montgomery, AL 36104; Phone: 334-420-1111.

  
Ronald E. Ezell, Executive Director

11-15-11  
Date

Prosthetists and Orthotists Chapter 746-X-2

ALABAMA STATE BOARD OF PROSTHETISTS AND ORTHOTISTS  
ADMINISTRATIVE CODE

CHAPTER 746-X-2  
LICENSURE

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746-X-2-.01 **Annual License Required.** All licenses, ~~registrations,~~ and accreditations issued by The Alabama State Board of Prosthetists and Orthotists expire on December 31<sup>st</sup> of each year and must be renewed no later than January 31<sup>st</sup> of each year. Any fees required for licensing, ~~registration,~~ and accreditation shall not be prorated.

**Authors:** 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:** October 18, 2011; Filed November 15, 2011;

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

(1) The board may refuse to license, renew a license or ~~registration,~~ 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.

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

**Authors:** 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** October 18, 2011; Filed November 15, 2011;

**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 ~~as a prosthetist, orthotist, prosthetist/orthotist or registration as an orthotic supplier~~ 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, ~~registration~~ and temporary licensure ~~or registration~~. 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 ~~or registration~~ shall be issued unless all application requirements have been met. Incomplete

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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 ~~or registration~~ 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

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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.

**Authors:** 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:** October 18, 2011; Filed: November 15, 2011;

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

(1) Application fees, licensure fees, ~~registration fees,~~ temporary licensing fees, and other fees as set by the board may be

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mended 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 ~~or~~ ~~registration~~ 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 ~~registration~~ Orthotic Suppliers -- \$150
- (c) license fees- single discipline-- \$450
- (d) license fees-dual discipline-- \$900
- (e) ~~Registration~~ Orthotic Supplier 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
- (i) License ~~and registration~~ duplicate or replacement -- \$50

(4) Late Fee. There shall be a grace period of thirty days prior to the imposition of a late fee for tardy renewals of one hundred dollars will be imposed for each month in which the application is late not to exceed three months. After this time, the applicant is in violation of ACT-2002-527 and must 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 in accordance with the Code of Ala. 1975, §8-8-15;



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(6) Written license. Certification verification-- \$10 each

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

(a) A license, ~~registrant~~, 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 ~~or registration~~ 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 ~~and registration~~ has been invalidated due to a returned check.

(8) 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.

**Authors:** 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 May 20, 2009; **Certified:** July 21, 2009; Effective: August 25, 2009. **Amended:** October 18, 2011; Filed: November 15, 2011

**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.

**Authors:** Joseph C. Elliott, Glenn Crumpton

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

**History: New Rule:** Filed December 12, 2002; effective

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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.

**Authors:** 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.

**Authors:** Board of Prosthetist and Orthotists

**Statutory Authority:** Code of Ala. 1975; §34-25A-1-14. **History:** Approved October 18, 2011; Filed November 15, 2011;