



Lactation Consultants Program

OREGON REVISED STATUTES
(UNOFFICIAL COPY)
CHAPTER 676.665 – 689
& 676.850 & 676.992
2023 EDITION



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LACTATION CONSULTANTS

676.665 Definitions for ORS 676.665 to 676.689. As used in ORS 676.665 to 676.689:

- (1) “Lactation consultant” means a person licensed to practice lactation consultation.
- (2) “Lactation consultation” means the clinical application of scientific principles and evidence to provide care related to lactation to childbearing families. Lactation consultation includes, but is not limited to:
 - (a) Client assessment through systematic collection of data;
 - (b) Data analysis;
 - (c) Creation of a care plan;
 - (d) Implementation of the care plan, including demonstration and instructions to clients and communication with the clients’ primary care provider;
 - (e) Evaluation of client outcomes;
 - (f) Problem identification and treatment;
 - (g) Recommendation and use of assistive devices; and
 - (h) Lactation education to childbearing families and to health care providers. [2017 c.499 §1]

676.669 Lactation consultant license; rules. The Health Licensing Office may issue a lactation consultant license to an applicant who:

- (1) Is at least 18 years old;
- (2) Submits sufficient proof, as determined by the office, that the applicant:
 - (a) As approved by the office by rule, satisfies the requirements for certification as an International Board Certified Lactation Consultant by the International Board of Lactation Consultant Examiners or its successor organization; and
 - (b) Is in good standing in any other states where the applicant is authorized as a lactation consultant;
- (3) Pays a licensure fee; and
- (4) Meets other qualifications required by the office by rule. [2017 c.499 §2; 2019 c.456 §40]

676.673 Continuing education; rules. (1) A lactation consultant shall complete continuing education courses related to:

- (a) Cultural competency, approved by the Oregon Health Authority under ORS 413.450; and
 - (b) Trauma-informed care, through programs approved by the Health Licensing Office by rule.
- (2) The office shall adopt rules related to the continuing education described in subsection (1) of this section. The rules must include:
- (a) Approval of continuing education programs related to trauma-informed care; and
 - (b) Requirements that lactation consultants:
 - (A) Complete initial cultural competency and trauma-informed care continuing education courses within one year of the date of initial licensure; and
 - (B) Complete additional cultural competency and trauma-informed care continuing education courses once every five years thereafter. [2017 c.499 §3]

676.677 Standards of practice and professional responsibility. A lactation consultant shall comply with the standards of practice and professional responsibility for lactation consultants that are adopted by rule by the Health Licensing Office under ORS 676.689. [2017 c.499 §4]

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676.681 Prohibition on unauthorized practice, use of title; exemptions. (1) A person may not practice lactation consultation or assume or use any title, words or abbreviations, including but not limited to the title or designation “lactation consultant,” that indicate that the person is authorized to practice lactation consultation unless the person is licensed under ORS 676.669.

(2) Subsection (1) of this section does not prohibit:

(a) A person licensed under the laws of this state in a profession or occupation other than lactation consultation from practicing lactation consultation as a part of the person’s practice;

(b) The use of lactation consultation as an integral part of an education program; or

(c) A person whose training and national certification attest to the person’s preparation and ability to practice their profession or occupation from practicing the profession or occupation in which the person is certified, if the person does not represent that the person is a lactation consultant.

(3) ORS 676.665 to 676.689 do not apply to a person who is:

(a) Employed by or who contracts with the Oregon Health Authority or an entity that contracts with the authority, to promote or support breastfeeding through the Women, Infants and Children Program under ORS 413.500; or

(b) A licensed health care practitioner in this state and who provides services similar to lactation consultation.

(4) ORS 676.665 to 676.689 do not require a person who is a certified lactation counselor to obtain a license issued under ORS 676.669 in order to perform any of the services described in ORS 676.665 (2). [2017 c.499 §5]

676.685 Discipline. In the manner prescribed in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against a person licensed under ORS 676.669 for any of the prohibited acts listed in ORS 676.681 and for any violation of a rule adopted under ORS 676.665 to 676.689. [2017 c.499 §6]

676.689 Rules. (1) The Health Licensing Office shall adopt rules to:

(a) Establish a process for issuing lactation consultant licenses;

(b) Establish licensure fees;

(c) Determine qualifications for applicants for initial licensure and licensure by reciprocity;

(d) Develop and maintain a publicly available record of lactation consultants; and

(e) Establish standards of practice and professional responsibility for lactation consultants that take into consideration the standards established by the International Board of Lactation Consultant Examiners.

(2) The office may adopt other rules as necessary to carry out the provisions of ORS 676.665 to 676.689. [2017 c.499 §7; 2019 c.456 §41]

CULTURAL COMPETENCY CONTINUING EDUCATION

676.850 Authority of regulatory boards to require cultural competency continuing education; documentation of participation; rules. (1) As used in this section, “board” means the:

(a) State Board of Examiners for Speech-Language Pathology and Audiology;

(b) State Board of Chiropractic Examiners;

(c) State Board of Licensed Social Workers;

(d) Oregon Board of Licensed Professional Counselors and Therapists;

(e) Oregon Board of Dentistry;

(f) Board of Licensed Dietitians;

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- (g) State Board of Massage Therapists;
 - (h) Oregon Board of Naturopathic Medicine;
 - (i) Oregon State Board of Nursing;
 - (j) Long Term Care Administrators Board;
 - (k) Oregon Board of Optometry;
 - (L) State Board of Pharmacy;
 - (m) Oregon Medical Board;
 - (n) Occupational Therapy Licensing Board;
 - (o) Oregon Board of Physical Therapy;
 - (p) Oregon Board of Psychology;
 - (q) Board of Medical Imaging;
 - (r) State Board of Direct Entry Midwifery;
 - (s) State Board of Denture Technology;
 - (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
 - (u) Home Care Commission;
 - (v) Oregon Health Authority, to the extent that the authority licenses emergency medical service providers; and
 - (w) Health Licensing Office, to the extent that the office licenses lactation consultants.
- (2)(a) A board shall adopt rules to require a person authorized to practice the profession regulated by the board to complete cultural competency continuing education. Completion of the continuing education described in this subsection shall be a condition of renewal of an authorization to practice the profession regulated by the board every other time that the person's authorization is subject to renewal.
- (b) Cultural competency continuing education courses may be taken in addition to or, if a board determines that the cultural competency continuing education fulfills existing continuing education requirements, instead of any other continuing education requirement imposed by the board.
- (c) A board shall consider the availability of the continuing education described in this subsection when adopting rules regarding the required number of credits of continuing education.
- (d) A board shall encourage, but may not require, the completion of continuing education approved by the Oregon Health Authority under ORS 413.450. A board shall accept as meeting the requirements of this subsection continuing education that meets the skills requirements established by the authority by rule.
- (3) The requirements of subsection (2) of this section do not apply to a person authorized to practice a profession regulated by a board if the person is:
- (a) Retired and not practicing the profession in any state;
 - (b) Not practicing the profession in this state; or
 - (c) Residing in this state but not practicing the profession in any state. [2013 c.240 §1; 2017 c.6 §28; 2017 c.499 §19; 2018 c.61 §24; 2019 c.43 §11; 2019 c.186 §1]

PENALTIES

676.992 Civil penalties. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);

For an official copy of the Oregon Revised Statutes, please go to the Oregon State Legislature website: https://www.oregonlegislature.gov/bills_laws or call 1-800-332-2313.

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- (c) ORS 680.500 to 680.565 (denture technology);
 - (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
 - (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
 - (f) ORS 694.015 to 694.170 (dealing in hearing aids);
 - (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
 - (h) ORS chapter 700 (environmental sanitation);
 - (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
 - (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility administrators);
 - (k) ORS 691.405 to 691.485 (dietitians);
 - (L) ORS 676.612 (prohibited acts);
 - (m) ORS 676.802 to 676.830 (applied behavior analysis);
 - (n) ORS 681.700 to 681.730 (music therapy);
 - (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
 - (p) ORS 681.740 to 681.758 (art therapy);
 - (q) ORS 676.665 to 676.689 (lactation consultation);
 - (r) ORS 676.730 to 676.748 (genetic counseling); and
 - (s) ORS 676.750 to 676.789 (signed language interpretation).
- (2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.
- (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.
- (4) In imposing a civil penalty under this section, the office shall consider the following factors:
- (a) The immediacy and extent to which the violation threatens the public health or safety;
 - (b) Any prior violations of statutes, rules or orders;
 - (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation;
- and
- (d) Any other aggravating or mitigating factors.
- (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.
- (6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed. [2003 c.547 §4; 2005 c.648 §14; 2007 c.841 §17; 2009 c.701 §17; 2009 c.768 §31; 2011 c.346 §31; 2011 c.630 §20; 2011 c.715 §21; 2013 c.82 §5; 2013 c.314 §17; 2013 c.568 §33; 2013 c.657 §10; 2013 c.771 §17; 2015 c.632 §6; 2015 c.674 §16; 2015 c.722 §11; 2017 c.155 §13; 2017 c.421 §9; 2017 c.499 §20; 2018 c.61 §25; 2021 c.231 §14; 2023 c.414 §26; 2023 c.500 §5]