



Lactation Consultants Program

OREGON REVISED STATUTES
(UNOFFICIAL COPY)
CHAPTER 676.665 – 689 & 676.850
2019 EDITION



HEALTH LICENSING OFFICE

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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 Use of “lactation consultant” 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) In collaboration with the Oregon Health Authority, a board may adopt rules under which the board may require a person authorized to practice the profession regulated by the board to receive cultural competency continuing education approved by the authority under ORS 413.450.
- (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.
- (3)(a) A board, or the Health Licensing Office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, shall document participation in cultural competency continuing education by persons authorized to practice a profession regulated by the board.
- (b) For purposes of documenting participation under this subsection, a board may adopt rules requiring persons authorized to practice the profession regulated by the board to submit documentation to the board, or to the office for those boards for which the office issues and renews authorizations to practice the profession regulated by the board, of participation in cultural competency continuing education.
- (4) A board shall report biennially to the authority on the participation documented under subsection (3) of this section.
- (5) The authority, on or before August 1 of each even-numbered year, shall report to the interim committees of the Legislative Assembly related to health care on the information submitted to the authority under subsection (4) of this section. [2013 c.240 §1; 2017 c.6 §28; 2017 c.499 §19; 2018 c.61 §24; 2019 c.43 §11]

Note: The amendments to 676.850 by section 1, chapter 186, Oregon Laws 2019, become operative July 1, 2021, and apply to applicants for initial authorization or renewal of authorization on or after July 1, 2021. See sections 3 and 4, chapter 186, Oregon Laws 2019. The text that is operative on and after July 1, 2021, is set forth for the user's convenience.

676.850. (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;

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- (d) Oregon Board of Licensed Professional Counselors and Therapists;
 - (e) Oregon Board of Dentistry;
 - (f) Board of Licensed Dietitians;
 - (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.