



Lactation Consultants Program

OREGON ADMINISTRATIVE RULES

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CHAPTER 331, DIVISION 475 – 495

PERMANENT RULES EFFECTIVE

DECEMBER 2, 2019



HEALTH LICENSING OFFICE

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**Division 475
LACTATION CONSULTANT PROGRAM GENERAL ADMINISTRATION**

331-475-0005

Definitions

The following definitions apply to OAR 331-475-0010 to OAR 331-495-0005:

- (1) “IBCLC” means an individual who is an International Board Certified Lactation Consultant certified by the International Board of Lactation Consultant Examiners as of June 29, 2017, or has met – at a minimum – the IBCLC standards in place on June 29, 2017.
- (2) “IBLCE” means the International Board of Lactation Consultant Examiners.
- (3) “Good standing” means no unresolved or outstanding disciplinary actions.
- (4) “Office” means the Health Licensing Office.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 15-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 2-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

331-475-0010

Fees

- (1) An applicant or authorization holder is subject to the provisions of OAR 331-010-0010 and OAR 331-010-0020 regarding the payment of fees, penalties and charges.
- (2) Fees established by the Office pursuant to ORS 676.576 are as follows:
 - (a) Application: \$150.
 - (b) License: \$50 – valid for one year.
 - (c) Renewal: \$50 – valid for one year.
 - (e) Replacement: \$25.
 - (f) Delinquency fee: \$40 for each year of inactive status up to three years.
 - (g) Affidavit of licensure, as defined in OAR 331-030-0040: \$50.
 - (h) Administrative fee: \$25.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

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[HLO 16-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

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Division 480
LICENSURE OF LACTATION CONSULTANTS

331-480-0005

Application requirements for initial lactation consultant license

An individual applying for initial licensure as a lactation consultant must:

- (1) Meet the requirements of OAR Chapter 331 Division 30.
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.
- (3) Be at least 18 years old.
- (4) Arrange for official documentation to be sent to the Office directly from the certifying organization proving that the applicant is certified as an IBCLC; and
- (5) Pass a state criminal background check pursuant to OAR 331-030-0004, and
- (6) Pay all licensing fees.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 17-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

331-480-0010

Application requirements for initial licensure for lactation consultant through reciprocity

In addition to the requirements in OAR 331-480-0005, if an applicant is licensed or certified in another state, they must:

- (1) Be in good standing in every state in which they are licensed or certified, and
- (2) Ensure that the Office receives an affidavit of licensure pursuant to OAR 331-030-0040 from every state in which they are authorized to practice as a lactation consultant.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 18-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

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331-480-0015

License issuance and renewal

The Office will enter all lactation consultant authorization holders and their status into its licensure database, which is available to the public.

(1) Licensure and renewal: A license is subject to the provisions of OAR Chapter 331, Division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

(2) License renewal: To avoid delinquency penalties, a license must be renewed before the license becomes inactive as described in section (3) of this rule. The licensee must:

- (a) Submit a renewal application form;
- (b) Have obtained and attest to having obtained the continuing education pursuant to 331-485-0005.
- (c) Attest to holding current IBCLC certification.
- (d) Pass a state criminal background check pursuant to OAR 331-030-0004, and
- (e) Pay the renewal fee pursuant to OAR 331-475-0010.

(3) Renewal when a license is inactive: ORS 676.580 defines an “active authorization” as an authorization that is current and not suspended and an “inactive authorization” as an authorization that has not been current for three years or less. An inactive license does not authorize its holder to practice lactation consultation or use the title or designation of “Lactation Consultant.” To renew an inactive license, the authorization holder must:

- (a) Submit a renewal application form;
- (b) Attest to having obtained the continuing education pursuant to OAR 331-485-0005;
- (c) Attest to holding current IBCLC certification.
- (d) Pass a state criminal background check pursuant to OAR 331-030-0004; and
- (e) Pay the delinquency and renewal fees pursuant to OAR 331-475-0010.

(4) Expired license: A license that has been inactive for more than three years is expired, and the licensee must reapply for licensure and meet the requirements listed in OAR 331-480-0005 or 331-480-0010.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 19-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

331-480-0020

License display and posting requirements

(1) Authorization holders must show proof of valid license upon request or post the license in public view at the lactation consultant's primary workplace; the authorization holder may carry the license pocket card.

(2) An authorization holder may temporarily conceal the address printed on the license with a covering that is removable.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 20-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

Division 485
CONTINUING EDUCATION FOR LACTATION CONSULTANTS

331-485-0005

Continuing Education Requirements

- (1) To maintain authorization, a lactation consultant must complete a minimum of 5 hours of continuing education every authorization year. Of the required hours, at least one hour in cultural competency and at least one hour in trauma-informed care must be obtained within one year after initial licensure and once every five years thereafter.
- (2) Credit hours obtained in excess of those required for the one-year reporting period cannot be carried forward or used to reinstate an inactive authorization.
- (3) Continuing education for all authorization holders must address subject matter specific to the following domains:
 - (a) Lactation consultation as defined in ORS 676.665;
 - (b) Cultural competency, approved by the Oregon Health Authority, under ORS 413.450, and
 - (c) Trauma-informed care.
- (4) Continuing education hours do not include travel time to or from the training site, registration or check-in periods, networking, introductions or welcome messages, orientation to the agenda, overviews of the day, breaks, lunches or wrap up of the day.
- (5) Self-study, research, authorship, or teaching does not count toward CE credit for renewal of the authorization.
- (6) At renewal each authorization holder must document compliance with the continuing education requirements through attestation on the authorization renewal application.
- (7) Continuing education requirements apply whether the applicant renewing authorization is living or working within Oregon or outside of the state, so long as Oregon authorization is maintained.
- (8) Continuing education requirements remain in effect during the time authorization is inactive. If an inactive authorization is renewed, authorization holder must attest to having fulfilled all continuing education hours required during the inactive time period.
- (9) Of the required 5 annual continuing education hours, after July 1, 2021, pursuant to 2019 House Bill 2011, at least one hour in cultural competency must be obtained:
 - (a) Within one year of initial licensure, and every two years thereafter, unless the authorization holder is:
 - (A) Retired and not practicing the profession in any state;
 - (B) Not practicing the profession in this state; or

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(C) Residing in this state but not practicing the profession in any state.

(b) If the authorization holder has an exemption from 2019 House Bill 2011 as outlined in (2)(a)(A-C), they must complete one hour of cultural competency continuing education within one year of initial licensure and then one hour every five years thereafter, pursuant to ORS 676.673.

(c) Continuing education to satisfy the requirements of 2019 House Bill 2011 can be acquired through courses approved by:

(A) Oregon Health Authority under ORS 413.450; or

(B) IBLCE.

Statutory/Other Authority: ORS 676.560, ORS 676.565, ORS 676.665-676.689 & 2019 House Bill 2011

Statutes/Other Implemented: ORS 676.560, ORS 676.565, ORS 676.665-676.689 & 2019 House Bill 2011

History:

[HLO 15-2019, amend filed 12/02/2019, effective 12/02/2019](#)

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[HLO 77-2018, minor correction filed 07/10/2018, effective 07/10/2018](#)

[HLO 21-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

331-485-0010

Continuing Education: Required Documentation, Audit and Sanctions

(1) The Office will audit a percentage of licensees, as determined by the Office, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education shall submit to the Office, within 30 calendar days of the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-485-0005.

(3) If selected for audit, the registrant must provide to the Office documentation of the required continuing education; satisfactory evidence of participation includes:

(a) For courses provided by an accredited college or university — a course syllabus and an official transcript from the accredited college or university;

(b) For IBLCE-approved programs or courses — a certificate of completion;

(c) For cultural competency approved by the Oregon Health Authority, under ORS 413.450 — documentation of completion.

(d) For trauma-informed care programs or courses — a certificate of completion;

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(e) For Office pre-approved programs or courses — a certificate of completion that includes the Office pre-approval number, or other Office-approved documentation that includes the Office pre-approval number.

(4) If documentation of continuing education is incomplete, the registrant has an additional 30 calendar days from the date of notice of incompleteness to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of authorization.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 14-2019, amend filed 10/29/2019, effective 11/01/2019](#)

[HLO 22-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

Division 490
STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

331-490-0005

Standards of practice and professional responsibility

(1) A licensed lactation consultant must:

(a) Comply with applicable confidentiality laws pertaining to information obtained in the course of practice, supervision, teaching or research.

(b) Comply with all local, state and federal laws concerning the practice of lactation consultation.

(c) Abide by the following principles in the IBLCE's Code of Professional Conduct (effective September 2015): Principle 1, Principle 2.2-2.5, Principle 3-6, Principle 7.2-7.3 and Principle 8.2. A copy of the IBLCE's Code of Professional Conduct is available from the Office.

(d) The following definitions apply to the IBLCE's Code of Professional Conduct principles:

(A) "IBCLC" means International Board Certified Lactation Consultants;

(B) The following IBLCE's Code of Professional Conduct definitions and interpretations: 1 and 3-6.

(2) A licensed lactation consultant must not:

(a) Discriminate in professional relationships with colleagues and clients because of race, ethnicity, language, religion, marital status, gender, gender identity or expression, sexual orientation, age, ability, socioeconomic status or political affiliation.

(b) Accept gratuities, gifts or favors that could interfere with decisions or judgment.

(c) Take financial advantage of a client or a client's family.

(3) Failure to comply with these standards constitutes unprofessional conduct, and an authorization holder engaging in such conduct may be subject to discipline under ORS 676.612.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 23-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

[HLO 3-2017, adopt filed 11/01/2017, effective 12/01/2017](#)

Division 495
DISCIPLINE AND ENFORCEMENT

331-495-0005

Investigative authority

The Office may initiate and conduct investigations relating to the practice of lactation consultation, and may take appropriate disciplinary action in accordance with the provisions of 676.612 and 676.992.

Statutory/Other Authority: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

Statutes/Other Implemented: ORS 676.560, ORS 676.565 & ORS 676.665-676.689

History:

[HLO 24-2018, minor correction filed 02/02/2018, effective 02/02/2018](#)

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