



Lactation Consultants Program

OREGON ADMINISTRATIVE RULES

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CHAPTER 331, DIVISION 475 – 495

PERMANENT RULES EFFECTIVE

DECEMBER 1, 2017



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DIVISION 475

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.

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 676.592 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.

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.

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.

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.

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(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.

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.

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

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DIVISION 485

CONTINUING EDUCATION FOR LACTATION CONSULTANTS

331-485-0005

Continuing education requirements

- (1) To maintain licensure, a lactation consultant must complete a minimum of 5 CE credits every licensure year. A licensure year is 365 days in duration, or 366 days when a leap year, and begins of the first date that the license is current.
- (2) CE courses must address subject matter related to:
 - (a) Lactation consultation as defined in 2017 House Bill 2503 Section 1(2):
 - (b) Cultural competency, approved by the Oregon Health Authority, under ORS 413.450, or
 - (c) Trauma-informed care education conducted through:
 - (A) An IBLCE-recognized class.
 - (B) Trauma Informed Oregon.
 - (C) Portland State University.
- (3) At least 1 CE credit in cultural competency and at least 1 CE credit in trauma-informed care must be obtained within one year after initial licensure and once every five years thereafter.
- (4) CE credits obtained in excess of those required for the current one-year reporting period may be carried forward for up to four years. However, no more than 20 annual excess CE credits may be carried forward.
- (5) Excess CE credits may not be used to reinstate an expired license.
- (6) Each licensee who is in compliance shall document compliance with the CE credit requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 331-485-0010 pertaining to periodic audit of CE.
- (7) Upon CE credit audit, the licensee must provide documentation supporting all credits claimed and all excess credits carried forward.
- (8) CE credits will be awarded based on the following criteria:

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- (a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 CE credits for each semester-based credit earned, 14 CE credits for each trimester-based credit earned or 10 CE credits for each quarter-based credit earned;
- (b) Approved IBLCE or Office pre-approved workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work, may be assigned credit at the rate of 1 CE credit for each 50 minutes of attendance.
- (9) Documentation supporting compliance with CE requirements must be maintained for a period of two years following license renewal and be provided to the Office upon request.

331-485-0010

Continuing education audit

- (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;
 - (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.

DIVISION 490

STANDARDS OF PRACTICE AND PROFESSIONAL RESPONSIBILITY

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.

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.

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