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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- LACTATION CONSULTANT PRACTICE ACT
OF 2014

Introduced By: Senators Mack, Euer, DiMario, Lauria, Acosta, Valverde, Quezada,
Ujifusa, Murray, and Sosnowski

Date Introduced: February 12, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-13.6-2 of the General Laws in Chapter 23-13.6 entitled "Lactation
2 Consultant Practice Act of 2014" is hereby amended to read as follows:

3 **23-13.6-2. Definitions.**

4 As used in this chapter, the following words and terms shall have the following meanings:

5 (1) "Department" means the Rhode Island department of health.

6 (2) "Director" means the director of the Rhode Island department of health or their
7 designee.

8 (3) "International board-certified lactation consultant (IBCLC)" means an individual who
9 holds current certification from the International Board of Lactation Consultant Examiners
10 (IBLCE) after demonstrating the appropriate education, knowledge and sitting for and passing the
11 exam.

12 (4) "Lactation care and services" means the certified trained application of scientific
13 principles and a multidisciplinary body of evidence for the evaluation, problem identification,
14 treatment, education, and consultation to provide lactation care and services to childbearing
15 families.

16 ~~(1)(5) "Lactation consultant" means a healthcare professional who specializes in the~~
17 ~~clinical management of breastfeeding~~ health care professional who specializes in lactation
18 education and management of breastfeeding and includes, but is not limited to, individuals certified

1 as an IBCLC or a certified lactation counselor (CLC).

2 (6) "Lactation counselor" means an individual who holds current certification from the
3 Academy of Lactation Policy and Practice as a CLC or an advanced lactation consultant (ALC)
4 after demonstrating appropriate education and competency and passing a criterion-referenced
5 examination.

6 (7) "Practice" means rendering or offering to render any lactation care and services to any
7 individual, family, or group of individuals.

8 (8) "Supervision" means that a licensed lactation consultant is at all times responsible for
9 supportive personnel and clients.

10 SECTION 2. Chapter 23-13.6 of the General Laws entitled "Lactation Consultant Practice
11 Act of 2014" is hereby amended by adding thereto the following sections:

12 **23-13.6-7. General licensure requirements.**

13 (a) No person, except as provided in § 23-13.6-4, shall practice as a licensed lactation
14 consultant or represent themselves as being able to practice as a licensed lactation consultant in this
15 state unless the person is licensed in accordance with the provisions of this chapter.

16 (b) A licensed lactation consultant shall exercise sound judgment and shall provide care
17 within the scope of practice or guidelines in the performance of the consultant's duties. A licensed
18 lactation consultant is permitted to supervise the following:

19 (1) Licensed lactation consultants;

20 (2) Students, interns, or persons preparing for practice as a lactation consultant;

21 (3) Care extenders and other team members as appropriate; and

22 (4) Volunteers.

23 (c) A licensed lactation consultant shall not delegate any of their duties or responsibilities
24 to individuals under their supervision, who are not a licensed lactation consultant.

25 **23-13.6-8. Qualifications for licensure.**

26 An applicant for licensure as a lactation consultant shall:

27 (1) Be at least eighteen (18) years of age;

28 (2) Successfully complete an academic and practical program in lactation that is accredited
29 by the International Board of Lactation Consultant Examiners or the Academy for Lactation Policy
30 and Practice;

31 (3) Pass the examination for board certification as an IBCLC offered by the International
32 Board of Lactation Consultant Examiners, or any successor organization; and/or pass the
33 examination offered by the Academy of Lactation Policy and Practice of Certified Lactation
34 Counselor and/or Advanced Lactation Consultant; and

1 (4) Currently be board certified as an IBCLC or certified as a certified lactation counselor
2 or advanced lactation consultant.

3 **23-13.6-9. Licensure application by documentation.**

4 In order to apply for a license, an applicant shall submit the following on forms provided
5 by the department:

6 (1) A completed application including, but not limited to, name, address, date of birth,
7 social security number, telephone number and email address;

8 (2) An application fee determined by the department of health, which fee shall be non-
9 refundable and non-returnable; and

10 (3) Verification of current board certification as an IBCLC, a CLC or an ALC submitted
11 directly to the department by the certification board, by either the International Board of Lactation
12 Consultant Examiners or the Academy of Lactation Policy and Practice.

13 **23-13.6-10. Licensure by endorsement.**

14 In order to apply for a license by endorsement, an applicant shall submit the following on
15 forms provided by the department:

16 (1) A completed application including, but not limited to, name, address, date of birth,
17 social security number, telephone number and email address;

18 (2) An application fee determined by the department, which shall be non-refundable and
19 non-returnable;

20 (3) Verification of current board certification as an IBCLC, a CLC or an ALC submitted
21 directly to the department by the certification board, by either the International Board of Lactation
22 Consultant Examiners or the Academy of Lactation Policy and Practice; and

23 (4) Verification that the applicant is in good standing from all states where the applicant is
24 currently licensed and, if applicable, where previously licensed as a lactation consultant.

25 **23-13.6-11. Issuance.**

26 A license as a lactation consultant shall be issued to an applicant who meets the relevant
27 requirements for licensure as required by this chapter.

28 **23-13.6-12. Expiration and renewal of licenses.**

29 (a) The license of every person licensed in accordance with this chapter shall expire on
30 January 31 of the next odd-numbered year following the issuance of the lactation consultant's
31 license.

32 (b) In order to renew a license, the licensee shall file a renewal application with the
33 department, together with a renewal fee on or before January 31 in each odd-numbered year. The
34 license renewal shall be effective on the first day of February.

1 (c) If a licensee fails to renew their license on or before January 31 in each odd-numbered
2 year, as required by this chapter, the license shall expire. No one whose license is expired is allowed
3 to practice as a lactation consultant or represent themselves as being able to practice in Rhode Island
4 until they have renewed the expired license in accordance with this chapter or have a terminated
5 license reinstated in accordance with this chapter.

6 (d) A licensee may renew an expired license within one year of the expiration date. In order
7 to renew an expired license, the licensee shall submit the following:

8 (1) A renewal application together with the current renewal fee plus an additional fee as
9 provided in applicable rules and regulations promulgated by the department of health. The fees
10 shall be non-refundable and non-returnable.

11 (e) If a licensee fails to renew an expired license within one year of the date of its expiration,
12 the license will be terminated. In order to reinstate a terminated license, the licensee shall submit
13 the following:

14 (1) A reinstatement application together with the current renewal fee, plus an additional
15 fee as provided in applicable rules and regulations promulgated by the department of health. The
16 fees shall be non-refundable and non-returnable; and

17 (2) Verification of current board certification as an IBCLC, a CLC or an ALC shall be
18 submitted directly to the department by the certification board by either the International Board of
19 Lactation Consultant Examiners or the Academy of Lactation Policy and Practice.

20 **23-13.6-13. Scope.**

21 (a) A licensed lactation consultant may practice independent management of lactation care
22 and services using the clinical application of scientific principles and a multidisciplinary body of
23 evidence for the evaluation, problem identification, treatment, education and consultation to
24 provide lactation care and services to childbearing families. Furthermore, a licensed lactation
25 consultant shall comply with the Academy of Lactation Policy and Practice, CLC®, Certified
26 Lactation Counselor, in accordance with "Scope of Practice for Certified Lactation Counselors",
27 ALC, Advanced Lactation Consultant, Scope of Practice for Advance Lactation Consultant, and/or
28 the Scope of Practice for International Board Certified Lactation Consultant Certificants in
29 accordance with "Scope of Practice for International Board Certified Lactation Consultant (IBCLC)
30 Certificants."

31 (b) A licensed lactation consultant shall limit the consultant's practice to demonstrated
32 areas of competence as documented by relevant professional education, training, and experience.

33 (c) A licensed lactation consultant shall conduct the consultant's professional activities in
34 accordance with the "Scope of Practice for Certified Lactation Counselors," "Scope of Practice for

1 Advanced Lactation Consultants" and/or the Code of Professional Conduct for IBCLCs".

2 **23-13.6-14. Maintenance of certification.**

3 (a) A licensee shall attest on the renewal application that their status as an IBCLC, as
4 required in this chapter, is active and not subject to any restriction, limitation or other sanction.

5 (b) A licensee shall notify the department, in writing, within five (5) business days of
6 receiving notification from the International Board of Lactation Consultant Examiners that their
7 status as an IBCLC or the Academy of Lactation Policy and Practice that their status as a CLC or
8 an ALC, as required in this chapter, has been revoked and/or subject to any restriction, limitation
9 or other sanction.

10 (c) A licensee shall notify the department, in writing, within five (5) business days of failure
11 to renew or other lapse of their status as an IBCLC and/or as a CLC or an ALC.

12 **23-13.6-15. Grounds for refusal, revocation or suspension.**

13 (a) Upon due notice and hearing in accordance with chapter 35 of title 42 ("administrative
14 procedures"), and the provisions of this chapter, any violation pursuant to the provisions of this
15 chapter, may be cause for denial, revocation or suspension of license or for imposing a fine of not
16 more than one thousand dollars (\$1,000), in accordance with § 23-13.6-5.

17 (b) Except as otherwise provided in this chapter, the inspection, enforcement, and penalties
18 for violations of this chapter or the rules and regulations of the department shall be in accordance
19 with the provisions and procedures set forth in §§ 23-1-19 through 23-1-25.

20 **23-13.6-16. Rules governing practices and procedures.**

21 All hearings and reviews required pursuant to provisions of this chapter shall be held in
22 accordance with the provisions of this chapter and chapter 35 of title 42 ("administrative
23 procedures").

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- LACTATION CONSULTANT PRACTICE ACT
OF 2014

- 1 This act would specify the requirements and procedures for licensing lactation consultants
- 2 as well as the renewal, expiration, termination, refusal, revocation and suspension of licenses.
- 3 This act would take effect upon passage.

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