

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2503**

1 On page 1 of the printed bill, line 5, delete “7” and insert “6”.

2 Delete lines 19 and 20.

3 On page 2, delete lines 4 through 45 and delete pages 3 through 6 and
4 insert:

5 **“SECTION 3. (1) A lactation consultant shall complete continuing
6 education courses related to:**

7 **“(a) Cultural competency, approved by the Oregon Health Authority
8 under ORS 413.450; and**

9 **“(b) Trauma-informed care, through programs approved by the
10 Health Licensing Office by rule.**

11 **“(2) The office shall adopt rules related to the continuing education
12 described in subsection (1) of this section. The rules must include:**

13 **“(a) Approval of continuing education programs related to trauma-
14 informed care; and**

15 **“(b) Requirements that lactation consultants:**

16 **“(A) Complete initial cultural competency and trauma-informed
17 care continuing education courses within one year of the date of initial
18 licensure; and**

19 **“(B) Complete additional cultural competency and trauma-informed
20 care continuing education courses once every five years thereafter.**

21 **“SECTION 4. A lactation consultant shall comply with the stan-**

1 dards of practice and professional responsibility for lactation consult-
2 ants that are adopted by rule by the Health Licensing Office under
3 section 6 of this 2017 Act.

4 **“SECTION 5. (1) A person may not practice lactation consultation**
5 **or assume or use any title, words or abbreviations, including but not**
6 **limited to the title or designation ‘lactation consultant,’ that indicate**
7 **that the person is authorized to practice lactation consultation unless**
8 **the person is licensed under section 2 of this 2017 Act.**

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

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

13 **“(b) The use of lactation consultation as an integral part of an ed-**
14 **ucation program; or**

15 **“(c) A person whose training and national certification attest to the**
16 **person’s preparation and ability to practice their profession or occu-**
17 **ipation from practicing the profession or occupation in which the per-**
18 **son is certified, if the person does not represent that the person is a**
19 **lactation consultant.**

20 **“(3) Sections 1 to 6 of this 2017 Act do not apply to a person who is:**

21 **“(a) Employed by or who contracts with the Oregon Health Au-**
22 **thority or an entity that contracts with the authority, to promote or**
23 **support breastfeeding through the Women, Infants and Children Pro-**
24 **gram under ORS 413.500; or**

25 **“(b) A licensed health care practitioner in this state and who pro-**
26 **vides services similar to lactation consultation.**

27 **“SECTION 6. (1) The Health Licensing Office shall adopt rules to:**

28 **“(a) Establish a process for issuing lactation consultant licenses;**

29 **“(b) Establish licensure fees;**

30 **“(c) Determine qualifications for applicants for initial licensure and**

1 **licensure by reciprocity;**

2 **“(d) Approve the certification issued by the International Board of**
3 **Lactation Consultant Examiners or its successor organization, so long**
4 **as the organization offers:**

5 **“(A) A process to evaluate candidates for certification or education;**

6 **“(B) A grievance process for applicants or individuals authorized**
7 **by the organization; and**

8 **“(C) A process for recertification or reauthorization;**

9 **“(e) Develop and maintain a publicly available record of lactation**
10 **consultants; and**

11 **“(f) Establish standards of practice and professional responsibility**
12 **for lactation consultants that reflect the standards established by the**
13 **International Board of Lactation Consultant Examiners.**

14 **“(2) The office may adopt other rules as necessary to carry out the**
15 **provisions of sections 1 to 6 of this 2017 Act.**

16 **“SECTION 7. ORS 676.610 is amended to read:**

17 **“676.610. (1)(a) The Health Licensing Office is under the supervision and**
18 **control of a director, who is responsible for the performance of the duties,**
19 **functions and powers and for the organization of the office.**

20 **“(b) The Director of the Oregon Health Authority shall establish the**
21 **qualifications for and appoint the Director of the Health Licensing Office,**
22 **who holds office at the pleasure of the Director of the Oregon Health Au-**
23 **thority.**

24 **“(c) The Director of the Health Licensing Office shall receive a salary as**
25 **provided by law or, if not so provided, as prescribed by the Director of the**
26 **Oregon Health Authority.**

27 **“(d) The Director of the Health Licensing Office is in the unclassified**
28 **service.**

29 **“(2) The Director of the Health Licensing Office shall provide the boards**
30 **and councils administered by the office with such services and employees as**

1 the office requires to carry out the office’s duties. Subject to any applicable
2 provisions of the State Personnel Relations Law, the Director of the Health
3 Licensing Office shall appoint all subordinate officers and employees of the
4 office, prescribe their duties and fix their compensation.

5 “(3) The Director of the Health Licensing Office is responsible for carry-
6 ing out the duties, functions and powers under ORS 675.360 to 675.410,
7 676.575 to 676.625, 676.810, 676.815, 676.825, 676.992, 678.710 to 678.820, 680.500
8 to 680.565, 687.405 to 687.495, 687.895, 688.701 to 688.734, 688.800 to 688.840,
9 690.005 to 690.225, 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170
10 and ORS chapter 700 **and sections 1 to 6 of this 2017 Act.**

11 “(4) The enumeration of duties, functions and powers in subsection (3) of
12 this section is not intended to be exclusive or to limit the duties, functions
13 and powers imposed on or vested in the office by other statutes.

14 **“SECTION 8.** ORS 676.622 is amended to read:

15 “676.622. (1) A transaction conducted through a state or local system or
16 network that provides electronic access to the Health Licensing Office in-
17 formation and services is exempt from any requirement under ORS 675.360
18 to 675.410, 676.575 to 676.625, 676.810, 676.815, 676.992, 680.500 to 680.565,
19 687.405 to 687.495, 688.701 to 688.734, 688.800 to 688.840, 690.005 to 690.225,
20 690.350 to 690.410, 691.405 to 691.485 and 694.015 to 694.170 and ORS chapter
21 700 **and sections 1 to 6 of this 2017 Act**, and rules adopted thereunder, re-
22 quiring an original signature or the submission of handwritten materials.

23 “(2) Electronic signatures subject to ORS 84.001 to 84.061 and facsimile
24 signatures are acceptable and have the same force as original signatures.

25 **“SECTION 9.** ORS 676.850 is amended to read:

26 “676.850. (1) As used in this section, ‘board’ means the:

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

29 “(b) State Board of Chiropractic Examiners;

30 “(c) State Board of Licensed Social Workers;

1 “(d) Oregon Board of Licensed Professional Counselors and Therapists;
2 “(e) Oregon Board of Dentistry;
3 “(f) Board of Licensed Dietitians;
4 “(g) State Board of Massage Therapists;
5 “(h) Oregon Board of Naturopathic Medicine;
6 “(i) Oregon State Board of Nursing;
7 “(j) Nursing Home Administrators Board;
8 “(k) Oregon Board of Optometry;
9 “(L) State Board of Pharmacy;
10 “(m) Oregon Medical Board;
11 “(n) Occupational Therapy Licensing Board;
12 “(o) Physical Therapist Licensing Board;
13 “(p) State Board of Psychologist Examiners;
14 “(q) Board of Medical Imaging;
15 “(r) State Board of Direct Entry Midwifery;
16 “(s) State Board of Denture Technology;
17 “(t) Respiratory Therapist and Polysomnographic Technologist Licensing
18 Board;
19 “(u) Home Care Commission; *[and]*
20 “(v) Oregon Health Authority, to the extent that the authority licenses
21 emergency medical service providers; **and**
22 **“(w) Health Licensing Office, to the extent that the office licenses**
23 **lactation consultants.**
24 “(2)(a) In collaboration with the Oregon Health Authority, a board may
25 adopt rules under which the board may require a person authorized to prac-
26 tice the profession regulated by the board to receive cultural competency
27 continuing education approved by the authority under ORS 413.450.
28 “(b) Cultural competency continuing education courses may be taken in
29 addition to or, if a board determines that the cultural competency continuing
30 education fulfills existing continuing education requirements, instead of any

1 other continuing education requirement imposed by the board.

2 “(3)(a) A board, or the Health Licensing Office for those boards for which
3 the office issues and renews authorizations to practice the profession regu-
4 lated by the board, shall document participation in cultural competency
5 continuing education by persons authorized to practice a profession regu-
6 lated by the board.

7 “(b) For purposes of documenting participation under this subsection, a
8 board may adopt rules requiring persons authorized to practice the profes-
9 sion regulated by the board to submit documentation to the board, or to the
10 office for those boards for which the office issues and renews authorizations
11 to practice the profession regulated by the board, of participation in cultural
12 competency continuing education.

13 “(4) A board shall report biennially to the authority on the participation
14 documented under subsection (3) of this section.

15 “(5) The authority, on or before August 1 of each even-numbered year,
16 shall report to the interim committees of the Legislative Assembly related
17 to health care on the information submitted to the authority under sub-
18 section (4) of this section.

19 **“SECTION 10.** ORS 676.992 is amended to read:

20 “676.992. (1) Except as provided in subsection (3) of this section, and in
21 addition to any other penalty or remedy provided by law, the Health Li-
22 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-
23 lation of the following statutes and any rule adopted under the following
24 statutes:

25 “(a) ORS 688.701 to 688.734 (athletic training);

26 “(b) ORS 690.005 to 690.225 (cosmetology);

27 “(c) ORS 680.500 to 680.565 (denture technology);

28 “(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct
29 entry midwifery);

30 “(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe

1 piercing, dermal implanting and scarification);
2 “(f) ORS 694.015 to 694.170 (dealing in hearing aids);
3 “(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
4 “(h) ORS chapter 700 (environmental sanitation);
5 “(i) ORS 675.360 to 675.410 (sex offender treatment);
6 “(j) ORS 678.710 to 678.820 (nursing home administrators);
7 “(k) ORS 691.405 to 691.485 (dietitians);
8 “(L) ORS 676.612 (prohibited acts);
9 “(m) ORS 676.810 and 676.815 (applied behavior analysis);
10 “(n) ORS 681.700 to 681.730 (music therapy); [and]
11 “(o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);

12 **and**

13 **“(p) Sections 1 to 6 of this 2017 Act (lactation consultation).**

14 “(2) The office may take any other disciplinary action that it finds proper,
15 including but not limited to assessment of costs of disciplinary proceedings,
16 not to exceed \$5,000, for violation of any statute listed in subsection (1) of
17 this section or any rule adopted under any statute listed in subsection (1)
18 of this section.

19 “(3) Subsection (1) of this section does not limit the amount of the civil
20 penalty resulting from a violation of ORS 694.042.

21 “(4) In imposing a civil penalty under this section, the office shall con-
22 sider the following factors:

23 “(a) The immediacy and extent to which the violation threatens the public
24 health or safety;

25 “(b) Any prior violations of statutes, rules or orders;

26 “(c) The history of the person incurring a penalty in taking all feasible
27 steps to correct any violation; and

28 “(d) Any other aggravating or mitigating factors.

29 “(5) Civil penalties under this section shall be imposed as provided in
30 ORS 183.745.

1 “(6) The moneys received by the office from civil penalties under this
2 section shall be deposited in the Health Licensing Office Account and are
3 continuously appropriated to the office for the administration and enforce-
4 ment of the laws the office is charged with administering and enforcing that
5 govern the person against whom the penalty was imposed.

6 “**SECTION 11.** (1) Sections 1 to 6 of this 2017 Act and the amend-
7 ments to ORS 676.610, 676.622, 676.850 and 676.992 by sections 7 to 10 of
8 this 2017 Act become operative on January 1, 2018.

9 “(2) The Health Licensing Office may take any action before the
10 operative date specified in subsection (1) of this section that is neces-
11 sary to enable the office to exercise, on and after the operative date
12 specified in subsection (1) of this section, all of the duties, functions
13 and powers conferred on the office by sections 1 to 6 of this 2017 Act
14 and the amendments to ORS 676.610, 676.622, 676.850 and 676.992 by
15 sections 7 to 10 of this 2017 Act.

16 “**SECTION 12.** This 2017 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2017 Act takes effect on its passage.”.

19
