

# House Bill 3356

Sponsored by Representative KENY-GUYER; Representatives ALONSO LEON, NOSSE, PRUSAK, SCHOUTEN, Senators DEMBROW, WAGNER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that lactation consultant complete continuing education related to cultural competency approved by Oregon Health Authority or International Board of Lactation Consultant Examiners. Requires person to obtain lactation consultant license in order to perform lactation consultation.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to lactation consultation; creating new provisions; amending ORS 676.625, 676.673, 676.681  
3 and 676.850; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 676.673 is amended to read:

6 676.673. (1) A lactation consultant shall complete continuing education courses related to:

7 (a) Cultural competency, approved by the Oregon Health Authority under ORS 413.450 **or by**  
8 **the International Board of Lactation Consultant Examiners, or its successor organization,**  
9 **and approved by the Health Licensing Office by rule;** and

10 (b) Trauma-informed care[,] through programs approved by the [*Health Licensing*] office by rule.

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

13 (a) Approval of continuing education programs [*related to trauma-informed care*] **described in**  
14 **subsection (1) of this section;** and

15 (b) Requirements that lactation consultants:

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

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

20 **SECTION 2.** ORS 676.681 is amended to read:

21 676.681. (1) A person may not practice lactation consultation or assume or use any title, words  
22 or abbreviations, including but not limited to the title or designation "lactation consultant," that  
23 indicate that the person is authorized to practice lactation consultation unless the person is licensed  
24 under ORS 676.669.

25 (2) Subsection (1) of this section does not prohibit:

26 (a) A person licensed under the laws of this state in a profession or occupation other than  
27 lactation consultation from practicing lactation consultation as a part of the person's practice;

28 (b) The use of lactation consultation as an integral part of an education program; or

29 (c) A person whose training and national certification attest to the person's preparation and  
30 ability to practice their profession or occupation from practicing the profession or occupation in

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 which the person is certified, if the person does not represent that the person is a lactation con-  
 2 sultant.

3 (3) ORS 676.665 to 676.689 do not apply to a person who is:

4 (a) Employed by or who contracts with the Oregon Health Authority or an entity that contracts  
 5 with the authority, to promote or support breastfeeding through the Women, Infants and Children  
 6 Program under ORS 413.500; or

7 (b) A licensed health care practitioner in this state and who provides services similar to  
 8 lactation consultation.

9 *[(4) ORS 676.665 to 676.689 do not require a person who is a certified lactation counselor to obtain*  
 10 *a license issued under ORS 676.669 in order to perform any of the services described in ORS 676.665*  
 11 *(2).]*

12 **SECTION 3.** ORS 676.625 is amended to read:

13 676.625. (1) The Health Licensing Office shall establish by rule and shall collect fees and charges  
 14 to carry out the office’s responsibilities under ORS 676.560 to 676.625[, 676.850] and 676.992 and any  
 15 responsibility imposed on the office pertaining to the boards, councils and programs administered  
 16 and regulated by the office pursuant to ORS 676.565.

17 (2) The Health Licensing Office Account is established separate and distinct from the General  
 18 Fund. The account shall consist of the moneys credited to the account by the Legislative Assembly.  
 19 All moneys in the account are continuously appropriated to and shall be used by the office for  
 20 payment of expenses of the office in carrying out the duties, functions and obligations of the office,  
 21 and for payment of the expenses of the boards, councils and programs administered and regulated  
 22 by the office pursuant to ORS 676.565. The office shall keep a record of all moneys credited to the  
 23 account and report the source from which the moneys are derived and the activity of each board,  
 24 council or program that generated the moneys.

25 (3) Subject to prior approval of the Oregon Department of Administrative Services and a report  
 26 to the Emergency Board prior to establishing fees and charges credited to the account, the fees and  
 27 charges may not exceed the cost of administering the office and the boards, councils and programs  
 28 within the office, as authorized by the Legislative Assembly within the office’s budget, as the budget  
 29 may be modified by the Emergency Board.

30 (4) All moneys credited to the account pursuant to ORS 676.576 and 676.806, and moneys cred-  
 31 ited to the account from other office and program fees established by the office by rule, are con-  
 32 tinuously appropriated to the office for carrying out the duties, functions and powers of the office  
 33 under ORS 676.560 to 676.625, 676.806[, 676.850] and 676.992.

34 (5) The moneys received from civil penalties assessed under ORS 676.992 shall be deposited and  
 35 accounted for as are other moneys received by the office and shall be for the administration and  
 36 enforcement of the statutes governing the boards, councils and programs administered by the office.

37 **SECTION 4.** ORS 676.850, as amended by section 24, chapter 61, Oregon Laws 2018, is amended  
 38 to read:

39 676.850. (1) As used in this section, “board” means the:

- 40 (a) State Board of Examiners for Speech-Language Pathology and Audiology;
- 41 (b) State Board of Chiropractic Examiners;
- 42 (c) State Board of Licensed Social Workers;
- 43 (d) Oregon Board of Licensed Professional Counselors and Therapists;
- 44 (e) Oregon Board of Dentistry;
- 45 (f) Board of Licensed Dietitians;

- 1 (g) State Board of Massage Therapists;
- 2 (h) Oregon Board of Naturopathic Medicine;
- 3 (i) Oregon State Board of Nursing;
- 4 (j) Long Term Care Administrators Board;
- 5 (k) Oregon Board of Optometry;
- 6 (L) State Board of Pharmacy;
- 7 (m) Oregon Medical Board;
- 8 (n) Occupational Therapy Licensing Board;
- 9 (o) Physical Therapist Licensing Board;
- 10 (p) Oregon Board of Psychology;
- 11 (q) Board of Medical Imaging;
- 12 (r) State Board of Direct Entry Midwifery;
- 13 (s) State Board of Denture Technology;
- 14 (t) Respiratory Therapist and Polysomnographic Technologist Licensing Board;
- 15 (u) Home Care Commission; **and**

16 (v) Oregon Health Authority, to the extent that the authority licenses emergency medical ser-  
 17 vice providers.]; *and*]

18 [*(w) Health Licensing Office, to the extent that the office licenses lactation consultants.*]

19 (2)(a) In collaboration with the Oregon Health Authority, a board may adopt rules under which  
 20 the board may require a person authorized to practice the profession regulated by the board to re-  
 21 ceive cultural competency continuing education approved by the authority under ORS 413.450.

22 (b) Cultural competency continuing education courses may be taken in addition to or, if a board  
 23 determines that the cultural competency continuing education fulfills existing continuing education  
 24 requirements, instead of any other continuing education requirement imposed by the board.

25 (3)(a) A board[, *or the Health Licensing Office for those boards for which the office issues and*  
 26 *renews authorizations to practice the profession regulated by the board,*] shall document participation  
 27 in cultural competency continuing education by persons authorized to practice a profession regu-  
 28 lated by the board.

29 (b) For purposes of documenting participation under this subsection, a board may adopt rules  
 30 requiring persons authorized to practice the profession regulated by the board to submit documen-  
 31 tation to the board[, *or to the office for those boards for which the office issues and renews autho-*  
 32 *rizations to practice the profession regulated by the board,*] of participation in cultural competency  
 33 continuing education.

34 (4) A board shall report biennially to the authority on the participation documented under sub-  
 35 section (3) of this section.

36 (5) The authority, on or before August 1 of each even-numbered year, shall report to the interim  
 37 committees of the Legislative Assembly related to health care on the information submitted to the  
 38 authority under subsection (4) of this section.

39 **SECTION 5. (1) The amendments to ORS 676.625, 676.673, 676.681 and 676.850 by sections**  
 40 **1 to 4 of this 2019 Act become operative on January 1, 2020.**

41 **(2) The Health Licensing Office may take any action before the operative date specified**  
 42 **in subsection (1) of this section that is necessary to enable the office to exercise, on and**  
 43 **after the operative date specified in subsection (1) of this section, all of the duties, functions**  
 44 **and powers conferred on the office by the amendments to ORS 676.625, 676.673, 676.681 and**  
 45 **676.850 by sections 1 to 4 of this 2019 Act.**

1        **SECTION 6.** This 2019 Act takes effect on the 91st day after the date on which the 2019  
2 regular session of the Eightieth Legislative Assembly adjourns sine die.  
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