

2014 -- S 2519

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Senators Goldin, Satchell, Ottiano, Sosnowski, and Nesselbush

Date Introduced: February 27, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 13.6

4 LACTATION CONSULTANT PRACTICE ACT OF 2014

5 **23-13.6-1. Short title.** -- This chapter shall be known and may be cited as the "Lactation
6 Consultant Practice Act of 2014."

7 **23-13.6-2. Definitions.** -- As used in this chapter, the following words and terms shall
8 have the following meanings:

9 (1) "Lactation consultant" means a health care professional who specializes in the clinical
10 management of breastfeeding.

11 **23-13.6-3. Licensing and regulation of lactation consultants.** -- The director of health
12 is authorized and directed to formulate, promulgate, amend, and repeal procedures, rules, and
13 regulations for the following:

14 (1) The licensing of lactation consultants;

15 (2) Standards and specifications for education, knowledge, and experience required for
16 licensure as a lactation consultant. In establishing these requirements, the director shall give due
17 consideration to criteria established by the International Board of Lactation Consultant Examiners
18 (IBLCE), or other national standards established by professional societies with expertise in the

1 training and certification of lactation consultants:

2 (3) Establishment of a minimum standard of care for providing lactation care and
3 services;

4 (4) Establishment of a nonrefundable application fee and license renewal fee. All fees
5 collected pursuant to this chapter shall be deposited as general revenues;

6 (5) Any other rule or regulation deemed necessary by the director of health to carry out
7 the provisions of this chapter, provided that no rule or regulation shall take effect until it has been
8 promulgated in accordance with the provisions of chapter 35 of title 42 (the "Administrative
9 Procedures Act").

10 **23-13.6-4. Persons and practices exempt.** -- (a) Nothing in this chapter shall be
11 construed to prevent qualified members of other professions or other occupations or volunteers
12 from performing functions consistent with the accepted standards of their respective professions;
13 provided, however, that they do not hold themselves out to the public by any title or description
14 stating or implying that they are lactation consultants licensed to practice clinical lactation care
15 and services.

16 (b) Nothing in this chapter shall be construed to prevent the practice of lactation care and
17 services by students, interns, or persons preparing for practice under the qualified supervision of a
18 licensee.

19 (c) Lactation care and services provided through the Federal Special Supplemental
20 Nutrition Program for Women, Infants and Children (WIC) program shall be considered exempt.

21 **23-13.6-5. Enforcement.** -- (a) This chapter shall be enforced by the director of health
22 and he or she shall be exempt from the requirements of providing surety for costs.

23 (b) Any person who violates the provisions of this chapter, or who violates any of the
24 rules and regulations of the department of health made in pursuance of this chapter, shall be fined
25 not more than one thousand dollars (\$1,000) and the director of health may suspend or revoke the
26 license issued to any person when, in the opinion of the director of health, that person is found to
27 have engaged in unprofessional conduct.

28 (c) Except as otherwise provided in this chapter, the inspection, enforcement, and
29 penalties for violations of the provisions of this chapter, or the rules and regulations of the
30 department of health made pursuant to this chapter, shall be in accordance with the provisions and
31 procedures set forth in §§ 23-1-19 through 23-1-25.

32 (d) The powers and functions vested in the department of health under the provisions of
33 this chapter shall not be construed to affect, in any manner, the powers, duties, and functions
34 vested in the department of health under any other provisions of the general laws.

1 **23-13.6-6. Severability.** -- If any provision of this chapter or its application to any person
2 or circumstance is held invalid, the invalidity shall not affect other provisions or applications of
3 this chapter which can be given effect without the invalid provision or application, and to this end
4 the provisions of this chapter are severable.

5 SECTION 2. 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 authorize the director of the department of health to establish rules for the
- 2 licensing of lactation consultants.
- 3 This act would take effect upon passage.

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