

2024 -- H 7882 SUBSTITUTE A

LC005373/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Representatives Henries, Stewart, Felix, Morales, Sanchez, Giraldo,
Alzate, J. Lombardi, Cotter, and Fogarty

Date Introduced: March 04, 2024

Referred To: House 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 13.8

4 LACTATION COUNSELORS PRACTICE ACT OF 2024

5 **23-13.8-1. Short title.**

6 This chapter shall be known and may be cited as the "Lactation Counselors Practice Act of
7 2024."

8 **23-13.8-2. Definitions.**

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

10 (1) "Care extender" means an individual with lived experience who provides family
11 navigation, care coordination, and peer support services to individuals.

12 (2) "Department" means the Rhode Island department of health.

13 (3) "Director" means the director of the Rhode Island department of health, or designee.

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

18 (5) "Practice" means rendering or offering to render any lactation counseling services based

1 on the scope of work practice as a licensed lactation counselor, as defined in regulations, which
2 includes lactation counseling services provided to any individual, family, or group of individuals.

3 **23-13.8-3. Licensure requirements.**

4 (a) No individual shall practice unless the individual is licensed in accordance with the
5 provisions of this chapter.

6 (b) A licensed lactation counselor shall provide lactation counseling services within the
7 scope of practice in the performance of the counselor's duties.

8 (c) A licensed lactation counselor is authorized to supervise the following individuals:

9 (1) Licensed lactation counselor;

10 (2) Students, interns, or individuals preparing for practice as a lactation counselor;

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

12 (4) Volunteers.

13 (d) A licensed lactation counselor shall not delegate any of their duties or responsibilities
14 to any individual under their supervision who is not a licensed lactation counselor.

15 **23-13.8-4. Qualifications for licensure.**

16 An applicant for licensure as a lactation counselor shall:

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

18 (2) Successfully complete an academic and practice program in lactation counseling;

19 (3) Pass the examination offered by the Academy of Lactation Policy and Practice of CLC
20 and or ALC; and

21 (4) Currently be certified as a CLC or ALC or comparable training determined by the
22 director.

23 **23-13.8-5. Licensure application.**

24 In order to apply for licensure as a lactation counselor, an applicant shall submit the
25 following on forms provided by the department:

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

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

30 (3) Verification of current certification as a CLC or an ALC submitted to the department
31 by the Academy of Lactation Policy and Practice.

32 **23-13.8-6. Licensure by endorsement.**

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

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

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

5 (3) Verification of current certification as a CLC or an ALC submitted directly to the
6 department by the Academy of Lactation Policy and Practice; and

7 (4) Verification that the applicant is in good standing from all states where the applicant is
8 currently certified and/or licensed as a lactation counselor submitted directly to the department by
9 the certifying and/or licensing authority.

10 **23-13.8-7. Issuance.**

11 A license as a lactation counselor shall be issued to an applicant who meets the relevant
12 requirements for licensure as required by this chapter.

13 **23-13.8-8. Expiration and renewal of licenses.**

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

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

20 (c) If a licensee fails to renew their license on or before January 31 in each odd-numbered
21 year, as required by this chapter, the license shall expire. No one whose license is expired is
22 authorized to practice as a licensed lactation counselor or represent themselves as being able to
23 practice as a licensed lactation counselor in Rhode Island until they have renewed the expired
24 license in accordance with this chapter or have a terminated license reinstated in accordance with
25 this chapter.

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

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

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

34 (1) A reinstatement application together with the current renewal fee, plus an additional

1 fee as provided in applicable rules and regulations promulgated by the department. The fees shall
2 be non-refundable and non-returnable; and

3 (b) Verification of current certification as a CLC or an ALC shall be submitted directly to
4 the department by the Academy of Lactation Policy and Practice.

5 **23-13.8-9. Scope of practice.**

6 (a) A licensed lactation counselor must provide lactation counseling services within the
7 scope of practice which will include, but not be limited to, referral, as appropriate, to a healthcare
8 professional both as defined by the director through the promulgation of regulations. Furthermore,
9 a licensed lactation counselor shall comply with the academy of lactation policy and practice; CLC,
10 in accordance with "Scope of Practice for CLCs"; ALC, in accordance with "Scope of Practice for
11 ALCs"; and/or a licensed lactation counselor shall limit the counselor's practice to demonstrated
12 areas of competence as documented by relevant professional education, training, and experience.

13 (b) A licensed lactation counselor shall conduct the counselor's professional activities in
14 accordance with the "Scope of Practice for CLCs," and/or "Scope of Practice for ALCs".

15 **23-13.8-10. Maintenance of certification.**

16 (a) A licensee shall notify the department, in writing, within five (5) business days of
17 receiving notification from the academy of lactation policy and practice that their status as a CLC
18 or an ALC, as required in this chapter, has been revoked and/or subject to any restriction, limitation
19 or other sanction.

20 (b) A licensee shall notify the department, in writing, within five (5) business days of
21 failure to renew or other lapse of their status as a CLC or an ALC.

22 **23-13.8-11. Persons and practices exempt.**

23 (a) Nothing in this chapter shall be construed to prevent qualified members of other
24 professions or other occupations or volunteers from performing functions consistent with the
25 accepted standards of their respective professions; provided, however, that they do not hold
26 themselves out to the public by any title or description stating or implying that they are licensed
27 lactation counselors.

28 (b) Nothing in this chapter shall be construed to prevent the practice of lactation counseling
29 services by students, interns, or persons preparing for practice under the qualified supervision of a
30 licensee.

31 (c) Lactation counseling services provided through the Federal Special Supplemental
32 Nutrition Program for Women, Infants and Children (WIC) program shall be considered exempt
33 from the requirements of this chapter.

34 (d) Lactation counseling services provided through the state's family home visiting

1 programs shall be considered exempt from the requirements of this chapter.

2 **23-13.8-12. Promulgation of regulations.**

3 The director shall adopt, amend, promulgate, and enforce rules and regulations and
4 standards deemed necessary, not inconsistent with law, to carry out the purposes of this chapter.

5 **23-13.8-13. Grounds for refusal, revocation, or suspension.**

6 (a) Upon due notice and hearing in accordance with chapter 35 of title 42 ("administrative
7 procedures"), and the provisions of this chapter, any violation pursuant to the provisions of this
8 chapter, may be cause for denial, revocation, or suspension of license or for imposing a fine of not
9 more than one thousand dollars (\$1,000).

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

13 **23-13.8-14. Rules governing practices and procedures.**

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

17 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 COUNSELORS PRACTICE ACT
OF 2014

- 1 This act would specify the requirements and procedures for licensing lactation counselors
- 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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