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Overview

This bill establishes licensure for lactation care providers, to be administered by the Commissioner of Health.

Section

- 1** **Scope and application.** Proposes coding for §148.9801. Specifies that the sections in this bill apply to applicants, those who are licensed, use protected titles, or represent that they are licensed under these sections. Does not prohibit any person from providing breastfeeding education and support services without a license.
- 2** **Definitions.** Proposes coding for §148.9802. Defines the following terms:
 - “Application”
 - “Biennial licensure period”
 - “Breastfeeding education and support services”
 - “Certified lactation counselor, advanced lactation consultant, or advanced nurse lactation consultant”
 - “Clinical lactation services”
 - “Commissioner”
 - “Credential”
 - “International board-certified lactation consultant”
 - “License or licensed”

Section

“Licensed lactation care provider”

“Licensee”

“Licensure by equivalency”

“Licensure by reciprocity”

“Protected title”

3 Licensure; protected titles and restrictions on use; exempt persons; sanctions. Proposes coding for §148.9803.

Subd. 1. Unlicensed practice prohibited. Prohibits the practice of clinical lactation services by a person who is not licensed as a clinical lactation care provider.

Subd. 2. Protected titles and restrictions on use. Prohibits the use of specified terms and titles by persons who are not licensed and who do not have specified credentials.

Subd. 3. Exempt persons. Exempts the following persons from this section:

- 1) A person employed as a lactation consultant or counselor by the U.S. government
- 2) A student participating in supervised fieldwork or coursework for licensure, if the student is using a title that clearly indicates trainee status
- 3) A person visiting a state, who is credentialed in another state and meets certain requirements, providing clinical lactation services for no more than 30 days in a calendar year, in association with a provider licensed in this state
- 4) A licensed health care provider, providing clinical lactation services incidental to the practice of the person’s profession
- 5) An employee of a division of government, within the employee’s official duties, including peer counselors for the Special Supplemental Nutrition Program for Women, Infants, and Children
- 6) A volunteer providing clinical lactation services, under certain conditions

Subd. 4. Sanctions. Provides for sanctions for violation of this section.

Subd. 5. Exemption. Specifies that nothing in this section prohibits the licensed or registered practice of any profession or occupation, or the performance of any act falling within the scope of practice of the profession or occupation.

4 Penalty. Proposes coding for §148.9804. Allows the commissioner of health to impose a civil penalty not exceeding \$10,000 for each violation, if a licensed lactation care provider has violated the provisions of section 148.9801 to 148.9813.

5 Application requirements; procedure. Proposes coding for § 148.9806.

Subd. 1. Application for licensure. Outlines the certification, administrative, waiver, and fee requirements for an application for licensure as a lactation care provider.

Section

Subd. 2. Credentialed applicants. Provides for licensure by equivalency for an applicant who holds specified credentials and provides specified documentation.

Subd. 3. Applicants credentialed in another jurisdiction. Provides for licensure by reciprocity for individuals licensed in other U.S. states or territories who meet certain requirements and submit required information and documentation.

Subd. 4. Action on applications for licensure. Specifies the ways in which the commissioner of health may act on applications for licensure. Provides for reconsideration procedures for applicants who are denied licensure or granted conditional licensure.

6 **Licensure renewal.** Proposes coding for § 148.9807.

Subd. 1. Renewal requirements. Outlines eligibility requirements for licensure renewal.

Subd. 2. Renewal deadline. Specifies that licenses must be renewed every two years; outlines renewal procedures.

Subd. 3. Licensure renewal notice. Requires the commissioner of health to notify a licensee at least 60 days prior to license expiration. Specifies what the notice must include.

7 **Licensure renewal; after expiration date.** Proposes coding for § 148.9808. Specifies the materials and information required for an individual whose renewal application is received after the licensure application date.

8 **Change of name, address, or employment.** Proposes coding for § 148.9809. Requires a licensee who has a change of name, address, or employment to notify the commissioner of health within 30 days of the change.

9 **Recipient notification.** Proposes coding for § 148.9811.

Subd. 1. Required notification. Requires a licensed lactation care provider to give written notification, provided in statute, to a client, absent a physician referral or prior authorization.

Subd. 2. Evidence of recipient notification. Requires a licensed lactation care provider to provide evidence of compliance with the notification requirement.

10 **Fees.** Proposes coding for § 148.9812. Establishes licensure and penalty fees and procedures related to fees.

11 **Grounds for discipline or denial of licensure; investigation procedures; disciplinary actions.** Proposes coding for § 148.9813.

Subd. 1. Grounds for discipline or denial of licensure. Lists the grounds for which the commissioner of health may deny a licensure application, issue a conditional license, or discipline a licensee.

Subd. 2. Investigation of complaints. Provides investigation procedures upon the receipt of a complaint or allegations of a violation of the provisions governing licensure.

Section

Subd. 3. Disciplinary action. Lists the disciplinary actions the commissioner may take.

Subd. 4. Effect of specific disciplinary action on use of title. Specifies that upon notice of licensure renewal denial or notice of certain disciplinary actions, the person must cease providing clinical lactation services and using protected titles.

Subd. 5. Reinstatement requirements after disciplinary action. Outlines procedures for reinstating a licensee after disciplinary action.

Subd. 6. Authority to contract. Requires the commissioner of health to contract with the health professionals services program to provide services to clinical lactation services providers.

12 Stakeholder engagement. Requires the commissioner to work with community stakeholders to conduct a study to identify barriers, challenges, and successes affecting initiation, duration, and exclusivity of breastfeeding. Requires the report to be completed and submitted to the relevant legislative committees by September 15, 2018.

13 Effective date. Makes sections 1 to 11 effective July 1, 2018.