

1 AN ACT relating to the practice of lactation consultation.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 5 of this Act, unless the context otherwise requires:*

6 *(1) "Board" means the Kentucky Board of Nursing;*

7 *(2) "Council" means the Kentucky Advisory Council of Licensed Lactation*  
8 *Consultants established in Section 2 of this Act;*

9 *(3) "IBLCE" means the International Board of Lactation Consultant Examiners or*  
10 *its successor organization;*

11 *(4) "International board-certified lactation consultant" or "IBCLC" means a person*  
12 *who holds current certification from the IBLCE as a lactation consultant after*  
13 *demonstrating the appropriate education, knowledge, and experience necessary*  
14 *for independent clinical practice;*

15 *(5) "Lactation consultant" means a person who is an IBCLC and in good standing*  
16 *with the IBLCE;*

17 *(6) "Lactation consultation" or "lactation consulting" means the clinical*  
18 *application of scientific principles and a multidisciplinary body of evidence for*  
19 *evaluation, problem identification, treatment, education, and consultation to*  
20 *families regarding the course of lactation and feeding, including but not limited*  
21 *to:*

22 *(a) Obtaining maternal, child, and feeding histories;*

23 *(b) Performing clinical assessments related to breastfeeding and human*  
24 *lactation through the systemic collection of subjective and objective*  
25 *information;*

26 *(c) Analyzing data acquired from the histories and assessments;*

27 *(d) Developing a lactation management and child feeding plan with*

- 1           demonstration and instruction to parents;  
2           (e) Providing lactation and feeding education;  
3           (f) Recommending and training on the use of assistive devices;  
4           (g) Communicating with primary health care practitioners and referring to  
5           other health care practitioners as needed;  
6           (h) Conducting appropriate follow-up appointments with evaluation of  
7           outcomes; and  
8           (i) Documenting the encounter in a patient record; and  
9           (7) "Practice" means rendering or offering to render, for compensation, lactation  
10           consulting to any person or group of persons.

11           ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
12 READ AS FOLLOWS:

- 13           (1) The Kentucky Advisory Council of Licensed Lactation Consultants is hereby  
14           established and shall be attached to the Board of Nursing. The council shall at  
15           regular intervals, advise the board as it promulgates administrative regulations  
16           regarding the qualifications, standards for training, and competency  
17           determinations of licensed lactation consultants, certification updates by the  
18           IBLCE, any needed changes to Sections 1 to 5 of this Act, and all other matters  
19           relating to licensed lactation consultants.  
20           (2) The council shall be appointed by the board and shall consist of:  
21           (a) One (1) member of the board, who shall be a nonvoting, ex officio member  
22           and serve as the liaison between the chair of the council and the board;  
23           (b) Four (4) lactation consultants with experience in at least one (1) of the  
24           following areas:  
25                1. The delivery of clinical lactation care in a hospital setting;  
26                2. Public health or community clinical lactation care; or  
27                3. Private practice of clinical lactation care; and

- 1        (c) One (1) citizen at large who is not employed in the health care field.
- 2        (3) The board may solicit nominations for the council from interested parties or
- 3        organizations and shall give consideration to nominees who have experience
- 4        providing, utilizing, or collaborating with providers of lactation consultation
- 5        services.
- 6        (4) The board shall specify the terms of the council members, not to exceed four (4)
- 7        years, and members shall serve at the discretion of the board, may be reappointed
- 8        at the end of their terms, and shall receive reimbursement for their actual and
- 9        necessary expenses incurred in the performance of their official duties.
- 10       (5) The council shall annually elect a chair from its membership.
- 11       (6) A quorum of the council shall consist of three (3) voting members. The council
- 12       shall meet at least semiannually and upon the call of the chair, or at the request
- 13       of two (2) or more members to the secretary of the board.

14       ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO

15 READ AS FOLLOWS:

- 16       After receiving recommendations from the council, the board shall promulgate
- 17       administrative regulations in accordance with KRS Chapter 13A to:
- 18       (1) Establish required standards for training programs for licensed lactation
- 19       consultants based upon the policies and positions adopted by the IBLCE;
- 20       (2) Establish licensing requirements for licensed lactation consultants based upon
- 21       policies and positions adopted by the IBLCE;
- 22       (3) Issue initial licenses and license renewals to individuals, but shall not issue
- 23       licenses to any partnership, unincorporated association, corporation, or similar
- 24       organization;
- 25       (4) Issue licenses to practice in the Commonwealth by endorsement to a resident of
- 26       another state, district, or territory within the United States of America who is in
- 27       good standing in that state, district, or territory if that state, district, or territory

- 1       has standards substantially equivalent to those in Sections 1 to 5 of this Act;  
2       (5) Establish provisions for disciplinary actions for licensed lactation consultants;  
3       (6) Establish fees for the initial license, renewal of a license, reinstatement of a  
4       license, endorsement of a license, and other fees as may be necessary for the  
5       licensed lactation consultants not to exceed one hundred dollars (\$100) each;  
6       (7) Establish requirements for informed consent by individuals receiving services  
7       from a licensed lactation consultant; and  
8       (8) Establish any other requirements for licensed lactation services deemed necessary  
9       by the board.

10       ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
11 READ AS FOLLOWS:

12       The board may require a criminal background check of an applicant for a license as a  
13       lactation consultant by means of a fingerprint check by the Department of Kentucky  
14       State Police and the Federal Bureau of Investigation.

15       ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO  
16 READ AS FOLLOWS:

17       (1) It shall be unlawful for any person to:

- 18               (a) Hold himself or herself out as a licensed lactation consultant in Kentucky  
19               unless he or she has been issued a license by the board in accordance with  
20               Sections 1 to 5 of this Act; or  
21               (b) Operate, offer to operate, or represent or advertise the operation of a school  
22               or program of licensed lactation consultation unless the school or program  
23               has been approved by the board to do so.

24       (2) It shall be unlawful for any licensed lactation consultant or employer of a  
25       licensed lactation consultant having knowledge of facts to refrain from reporting  
26       to the board a licensed lactation consultant who violates any provision set forth in  
27       administrative regulation for licensed lactation consultants.

- 1 (3) It shall be unlawful for any person who is listed on the nurse aide abuse registry  
2 with a substantiated finding of abuse, neglect, or misappropriation of property to  
3 provide licensed lactation consultation.
- 4 (4) Sections 1 to 5 of this Act shall not apply to a licensed health care provider  
5 rendering services that are within his or her scope of practice.