

HOUSE No. 1151

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating the practice and licensure of lactation consultants.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marjorie C. Decker

25th Middlesex

Sean Garballey

23rd Middlesex

HOUSE No. 1151

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 1151) of Marjorie C. Decker and Sean Garballey relative to regulating the practice and licensure of lactation consultants. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act regulating the practice and licensure of lactation consultants.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11A of chapter 13 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place
3 thereof the following paragraph:-

4 There shall be a board of allied health professions, hereinafter called the board,
5 which shall consist of 12 members to be appointed by the governor. Members of the board shall
6 be residents of the commonwealth and citizens of the United States. Three of such members shall
7 be athletic trainers licensed in accordance with section 23B of chapter 112; 2 of such members
8 shall be occupational therapists licensed in accordance with said section 23B; 1 such member
9 shall be an occupational therapy assistant licensed in accordance with said section 23B; 2 of such
10 members shall be physical therapists licensed in accordance with said section 23B; 1 such
11 member shall be a physical therapist assistant licensed in accordance with said section 23B; 1
12 such member shall be a lactation consultant licensed in accordance with said section 23B; 1 such

13 member shall be a physician licensed in accordance with section 2 of chapter 112; and 1 such
14 member shall be selected from and shall represent the general public.

15 SECTION 2. Section 23A of chapter 112 of the General Laws, as so appearing, is hereby
16 amended by inserting after the definition of “Board” the following two definitions:

17

18 “Lactation care and services”, the clinical application of scientific principles and a
19 multidisciplinary body of evidence for the evaluation, problem identification, treatment,
20 education and consultation to provide lactation care and services to families; provided, however,
21 that lactation care and services includes, but is not limited to, lactation assessment through the
22 systematic collection of subjective and objective data, analysis of data and creation of a plan of
23 care; development and implementation of a lactation care plan with demonstration and
24 instruction to parents and communication to the primary health care provider, provision of
25 lactation education to parents and health care providers, and recommendation and use of assistive
26 devices.

27 “Lactation consultant”, a person who is duly licensed to practice lactation care and
28 services in accordance with section 23B.

29 SECTION 3. Section 23B of said chapter 112, as so appearing, is hereby amended by
30 striking out, in line 8 the words “and physical therapy assistants” and inserting in place thereof
31 the following words:- , physical therapy assistants, and lactation consultants.

32 SECTION 4. Section 23C of said chapter 112 is hereby amended by inserting, in line 4
33 after the words “physical therapy assistant”, the following words:- or lactation consultant.

34 SECTION 5. Said section 23C is hereby further amended by inserting, in line 11, after
35 the words “physical therapist duly licensed under this chapter”, the following words:- a lactation
36 consultant duly licensed under this chapter.

37 SECTION 6. Section 23D of said chapter 112 is hereby amended by inserting, in line 3,
38 after the words “physical therapy assistant”, the following words:- , or lactation consultant.

39 SECTION 7. Section 23E of said chapter 112 is hereby amended by inserting in
40 subsection (b), after the words “physical therapy assistant”, the following words:- or lactation
41 consultant.

42 SECTION 8. Said section 23E is hereby further amended by inserting in subsection (c),
43 after the words “physical therapy”, the following words:- or lactation care and services.

44 SECTION 9. Said section 23E is hereby further amended by inserting in subsection (e),
45 after the words “physical therapy services”, the following words:- or lactation care and services.

46 SECTION 10. Said section 23E is hereby further amended by inserting in subsection (e),
47 after the words “physical therapist”, the following words:- or lactation consultant.

48 SECTION 11. Said chapter 112 is hereby further amended by inserting after section 23J
49 the following section:-

50 Section 23J½. An applicant for licensure as a lactation consultant shall be certified by the
51 International Board of Lactation Consultant Examiners as an International Board Certified
52 Lactation Consultant.

53 SECTION 12. Section 23K of said chapter 112 is hereby amended by inserting in
54 subsection (c), after the words “physical therapy”, the following words:- or lactation care and
55 services.

56 SECTION 13. Section 23L of said chapter 112 is hereby amended by inserting, after the
57 words “physical therapy assistant”, the following words:- or lactation consultant.

58 SECTION 14. Said chapter 112 is hereby further amended by inserting after section 23P
59 the following section:-

60 Section 23P³/₄. (a) No person shall hold herself out to others as a lactation consultant
61 unless she holds a valid license issued in accordance with this chapter.

62 b) Nothing shall prevent the practice of lactation care and services by members of other
63 licensed healthcare professions when such practice is consistent with the accepted standards and
64 scope of their respective professions, provided however, such persons shall not: (1) use the title
65 “licensed lactation consultant” unless licensed under this chapter; nor (2) use the title “lactation
66 consultant” unless said person is an IBCLC;

67 (c) Nothing in this chapter shall prevent the practice of lactation care and services by
68 students, interns, or persons preparing for the practice of lactation care and services under
69 the supervision of a supervisor or any licensed professional as listed in subsection(a), provided
70 however, such persons shall not:(1) use the title “licensed lactation consultant” unless licensed
71 under this chapter; nor (2) use the title “lactation consultant” unless said person is an IBCLC;

72 (d) Nothing in this chapter shall prevent the practice of lactation care and services by
73 employees of a department, agency, county, or local government from engaging in the practice

74 of lactation care and services within the discharge of the employees’ official duties, including,
75 but not limited to, peer counselors working within the Special Supplemental Nutrition Program
76 for Women, Infants, and Children, provided however, such persons shall not: (1) use the title
77 “licensed lactation consultant” unless licensed under this chapter; nor (2) use the title “lactation
78 consultant” unless said person is an IBCLC;

79 (e) Nothing in the chapter shall prevent the practice of lactation care and services by
80 other lactation support providers, including, but not limited to: doulas; prenatal, childbirth, and
81 perinatal educators; breastfeeding and lactation educators; and breastfeeding and lactation
82 counselors, from performing breastfeeding education and counseling services consistent with the
83 accepted standards of their respective occupations, provided however, such persons shall not:(1)
84 use the title “licensed lactation consultant” unless licensed under this chapter; nor (2) use the title
85 “lactation consultant” unless said person is an IBCLC.

86 (f) Individual volunteers from providing lactation care and services provided that such
87 person’s services are performed without fee or other form of compensation, monetary or
88 otherwise, from the individuals or groups served except for administrative expenses such as
89 mileage; but such persons shall not: (1) use the title “licensed lactation consultant” unless
90 licensed under this chapter; nor (2) use the title “lactation consultant” unless said person is an
91 IBCLC.

92 (g) A nonresident IBCLC from practicing lactation care and services in this state for five
93 (5) days without licensure or up to thirty (30) days with licensure from another state if the
94 requirements for licensure in such other state are substantially equal to the requirements
95 contained in this chapter.

96 (h) All persons engaged in the practice of lactation care and services as of the effective
97 date of this act may continue to practice without a license until 3 years following the
98 promulgation of regulations by the board, denial of an application by the board, or the
99 withdrawal of an application, whichever occurs first.