

Welcome!

As the path to licensure unfolds with the implementation of The Georgia Lactation Consultant Practice Act, effective July 1, 2016, many questions arise.

Below are some Frequently Asked Questions and answers, many quoted from the language of the law. A full text of the law can be located at [here](http://www.legis.ga.gov/Legislation/en-US/display/20152016/HB/649) (<http://www.legis.ga.gov/Legislation/en-US/display/20152016/HB/649>).

The law sets forth the basic parameters of licensure of lactation consultants in Georgia and charges the Georgia Secretary of State's office with the authority to establish the Lactation Consultant Advisory Group, its rules and processes.

SELCA provides the following responses to frequently asked questions concerning the Georgia Lactation Consultant Practice Act in service to our community. These FAQs are currently under review by the Secretary of State, but in the interest of alleviating concerns, we wanted to make this information available. ***SELCA is not authorized to interpret Georgia Law and nothing on this website should be construed as legal advice, nor should any responses be relied upon as legal advice.*** Should you have questions about your particular situation, please contact the Georgia Secretary of State's office or consult with your own attorney.

FAQ

1. Who is eligible for a lactation consultant license?

"Each applicant for a license as a lactation consultant shall be at least 18 years of age, shall have submitted a completed application upon a form and in such manner as the Secretary prescribes, accompanied by applicable fees, and shall be in compliance with the following requirements: (1) Meeting the international education and clinical standards established for IBCLCs by the IBLCE, or its successor organization; (2) Providing proof of successful completion of the IBLCE examination or the examination of any successor organization; (3) Having satisfactory results from a criminal background check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Secretary. Application for a license under this Code section shall constitute express consent and authorization for the Secretary to perform a criminal background check. Each applicant who submits an application to the Secretary for licensure agrees to provide the Secretary with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check; and (4) Completing such other requirements as may be prescribed by the Secretary."

2. What is the overseeing government body for licensure?

The Office of the Secretary of State of Georgia.

3. How long do I have to determine if I will seek licensure as a lactation consultant?

“On and after **July 1, 2018**, no person without a license as a lactation consultant issued pursuant to this chapter shall use the title 'licensed lactation consultant' or 'licensed L.C.' or practice lactation care and services, provided that this chapter shall not prohibit any practice of lactation care and services that is exempt pursuant to the provisions set forth in Code Section 43-22A-13.

4. Who is exempt from this bill?

“Nothing in this chapter shall be construed to affect or prevent: (1) Persons licensed to practice the professions of dentistry, medicine, osteopathy, chiropractic, nursing, physician assistant, or dietetics from engaging in the practice of lactation care and services when incidental to the practice of their profession, except such persons shall not use the title 'licensed lactation consultant' or 'licensed L.C.'; (2) Doulas and perinatal and childbirth educators from performing education functions consistent with the accepted standards of their respective occupations, except such persons shall not use the title 'licensed lactation consultant' or 'licensed L.C.' or designate themselves by any other term or title which implies that such person has the clinical skills and education comparable to a licensed lactation consultant; (3) The practice of lactation care and services by students, interns, or persons preparing for the practice of lactation care and services under the qualified supervision of a lactation consultant or any licensed professional listed in paragraph (1) of this Code section; (4) Employees of the United States government or any bureau, division, or agency thereof from engaging in the practice of lactation care and services within the discharge of the employees' official duties so long as such employees are performing their duties within the recognized confines of a federal installation regardless of whether jurisdiction is solely federal or concurrent; (5) Employees of a department, agency, or division of state, county, or local government from engaging in the practice of lactation care and services within the discharge of the employees' official duties, including, but not limited to, peer counselors working within the Special Supplemental Nutrition Program for Women, Infants, and Children; (6) Individual volunteers from providing lactation care and services, provided that: (A) Such volunteers shall not use the title 'licensed lactation consultant' or 'licensed L.C.', shall not state that they are licensed to practice lactation care and services, and shall not designate themselves by any other term or title which implies that such volunteers have the clinical skills and education comparable to a licensed lactation consultant; (B) Their volunteer service is performed without fee or other form of compensation, monetary or otherwise, from the individuals or groups served; and (C) Such volunteers receive no form of compensation, monetary or otherwise, except for administrative expenses, such as mileage; (7) A nonresident IBCLC from practicing lactation care and services in this state for five days without licensure or up to 30 days with licensure from another state if the requirements for licensure in such other state are substantially equal to the requirements contained in this chapter; or (8) Other health care related professionals from seeking licensure for their professions.”

5. I see that the law exempts doulas, perinatal and childbirth educators when performing education functions. (O.C.G.A. 43-22A-13(2)) Who or what are the types of “perinatal educators” currently working here in Georgia?

“Perinatal educators” is a broad term that covers anyone performing education functions (consistent with the accepted standards of their occupation) in the “maternal and infant” field. Such educators would include, certified lactation counselors, certified lactation specialists, certified breastfeeding specialists, community transformers, peer counselors, lactation specialists, breastfeeding counselors, certified lactation educators, certified community lactation educators, certified lactation educator counselors, certified breastfeeding educators, certified nursing assistants, patient care technicians, patient care assistants, medical assistants, etc....

6. I am one of the perinatal educators listed above. Can I provide breastfeeding/lactation education for pay?

Yes, a perinatal educator can educate as an employee, or as an independent self-employed person, for pay.

7. I am a “certified lactation counselor” (“CLC”) with no other healthcare license. Can I provide lactation care and services after July 1, 2018?

On or after July 1, 2018, without restriction, you can provide lactation care and services if you are a volunteer (not being paid for your services) or if you are employed by a county, state or the federal government and providing lactation care and services is part of your job description. In all other settings, you can provide breastfeeding/lactation education for pay—in a class setting with multiple people, one-on-one with an individual person, or you may take calls in a call center as part of a breastfeeding educational support line.

8. I work for WIC (Women, Infants and Children) as a “peer counselor.” Does this law affect my work in any way?

No, this law does not affect your work. Whatever WIC asks you to do as part of your job description, you can do.

9. I am a CLC employed by a community based non-profit, what can I do on or after July 1, 2018?

You will be able to provide breastfeeding/lactation education. You can educate in a class setting with multiple people, you can provide education one-on-one with an individual person, or you may take calls in a call center as part of a breastfeeding educational support line.

10. I am a licensed dietician; do I need to get a license as a lactation consultant?

No, the law does not require licensed dentists, physicians, chiropractors, nurses, physician assistants or dieticians to obtain a license as a lactation consultant in order to practice lactation care and services.

11. I am an IBCLC from another state and I am visiting Atlanta to help my daughter with breastfeeding, do I need a Georgia license to help her?

No.

12. I work for a MIECHV (Maternal, Infant and Early Childhood Home Visiting) grantee, do I need a license?

No. The breastfeeding education, information and referrals provided by MIECHV grantees (such as, but not limited to, Early Head Start, Healthy Families Georgia, Parents as Teachers, Safe Care, and First Steps) are exempt as perinatal educators under the law. See O.C.G.A. 43-22A-13(2). Registered Nurses who work for Nurse Family Partnership are also exempt under O.C.G.A. 43-22A-13(1).

13. I am an active duty member of the military (or a civilian employee of the military), and as part of my employment I provide services to lactating women at Ft. Benning, do I need a license?

No. The military is a branch of the federal government and employees of the government are exempt from the law. See O.C.G.A. 43-22A-13(4).

14. My spouse is a member of the armed services. We have health insurance through TRICARE. Does this law make it harder for me to get breastfeeding care?

No. TRICARE governs who may become authorized providers under its system. Currently, TRICARE posts that it only allows breastfeeding counseling by “a TRICARE-authorized doctor, physician assistant, nurse practitioner, nurse midwife, or registered nurse.”

<https://tricare.mil/CoveredServices/IsItCovered/BreastfeedingCounseling> (accessed March 9, 2018). All these providers are exempt under the law. See O.C.G.A. 43-22A-13(1) and (4).

15. How were Lactation Consultant Advisory Group members chosen?

“There is created within the office a Lactation Consultant Advisory Group which shall consist of five members. The Secretary shall appoint all members of the advisory group. The advisory group shall consist of persons familiar with the practice of lactation care and services to provide the Secretary with expertise and assistance in carrying out his or her duties pursuant to this chapter. The Secretary shall appoint members of the advisory group to serve for terms of four years. The Secretary shall appoint four members who are lactation consultants in this state and one member who is a consumer. Members shall serve without compensation. Members may serve consecutive terms at the will of the Secretary. Any vacancy shall be filled in the same manner as the regular appointments. The Secretary may remove members of the advisory group for incompetence, neglect of duty, unprofessional conduct, conviction of any felony, failure to meet the qualifications of this chapter, or committing any act prohibited by this chapter.”

The Advisory Group has begun to meet with Secretary of State representative Jim Cleghorn. Thank you to the Advisory Group members for doing this important work for Georgia mothers and babies. The following [link](#) is the official Secretary of State website for [Lactation Consultant Licenses](#): <http://sos.ga.gov/index.php/licensing/plb/63>

16. Are Lactation Consultant Advisory Group members paid?

“Members of the Lactation Consultant Advisory Group shall serve without compensation.”

17. How often will licenses need to be renewed?

“The license shall be renewed biennially if the licensee is not in violation of this chapter at the time of application for renewal and if the applicant fulfills current requirements of continuing education as established by the Secretary. Each person licensed under the Georgia Lactation Consultant Act is responsible for renewing his or her license before the expiration.”

Revised 3/13/18