

HOUSE BILL REPORT

SB 5124

As Passed House:
April 8, 2021

Title: An act relating to the practice of colon hydrotherapy.

Brief Description: Concerning the practice of colon hydrotherapy.

Sponsors: Senators Cleveland and Rivers.

Brief History:

Committee Activity:

Health Care & Wellness: 3/22/21, 3/25/21 [DP].

Floor Activity:

Passed House: 4/8/21, 98-0.

Brief Summary of Bill

- Establishes colon hydrotherapists as certified health professionals who may perform colon hydrotherapy pursuant to an affiliation with a licensed naturopath.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 15 members: Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske, Davis, Harris, Macri, Maycumber, Riccelli, Rude, Simmons, Stonier, Tharinger and Ybarra.

Staff: Christopher Blake (786-7392).

Background:

Colon hydrotherapy (also known as colonic irrigation) is generally the removal of waste

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from the large intestine using temperature-controlled water. In 2008 the Washington Court of Appeals affirmed a ruling by the Department of Health (Department) that colonic irrigation constitutes the practice of medicine.

According to a January 2009 sunrise review by the Department, colon hydrotherapy is performed using colonic irrigation systems. Colonic irrigation systems are devices regulated by the federal Food and Drug Administration (FDA) that require a prescription. The FDA recognizes colonic irrigation systems for colon cleansing when medically indicated. The sunrise review found that the practice of colon hydrotherapy was within the scope of practice of allopathic physicians, osteopathic physicians, and naturopaths. Colon hydrotherapy may be delegated by these professionals to other licensed persons in certain circumstances. In the sunrise review, the Department evaluated a proposal to establish certification for colon hydrotherapists. The sunrise review found that the unregulated practice of colon hydrotherapy can harm or endanger health and safety, but that the public does not need an assurance of professional ability because the procedure is already regulated under the scope of practice of other health professions, and that certification would not be the most cost-effective means of providing public protection.

The 2020 Supplemental Operating Budget directed the Department to review current statutes, certification practices in other states, and qualifications standards regarding colon hydrotherapy. The Department was required to report its recommendations for a certification program for colon hydrotherapists by October 20, 2020. The report recommended education and standards of practice requirements, as well as the following three credentialing options:

- expand the medical assistant-registered scope of practice to include colon hydrotherapy;
- create a new colon hydrotherapy certification under the Board of Naturopathy statute; and
- create a new medical assistant profession — medical assistant-colon hydrotherapist.

Summary of Bill:

As of July 1, 2022, colon hydrotherapist is established as a health profession that is certified by the Department of Health (Department). Certified colon hydrotherapists are permitted to perform colon hydrotherapy pursuant to an affiliation with at least one naturopath. "Colon hydrotherapy" is defined as the performance of enemas or colonic irrigation.

To become certified as a colon hydrotherapist, an applicant must complete education and training requirements established by the Board of Naturopathy (Board) and pass an examination approved by the Board. The education and training must address proper technique, the use of appropriate equipment, and safety and consent procedures.

Certifications and accreditations from a professional organization may satisfy these requirements if the Board determines that they are at least substantially equivalent to the Board's standards.

Certified colon hydrotherapists must have an affiliation with one or more licensed naturopaths to practice colon hydrotherapy. Certified colon hydrotherapists may only perform colon hydrotherapy on patients who have been referred to them by a naturopath with whom they have an affiliation and only according to the plan of care delegated by the naturopath. Certified colon hydrotherapists must submit the names of all of the naturopaths with whom they are affiliated to the Board. Certified colon hydrotherapists are not required to practice in the office of a naturopath.

The Department is responsible for establishing certification fees and issuing and renewing certificates. The Board is responsible for determining the minimum education and training requirements for certification as a colon hydrotherapist, identifying any certification or accreditation organizations that satisfy certification requirements, establishing standards for the affiliation relationship between a certified colon hydrotherapist and a licensed naturopath, and serving as the disciplining authority for matters of unprofessional conduct by a certified colon hydrotherapist. The Uniform Disciplinary Act applies to certified colon hydrotherapists.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after the adjournment of the session in which the bill is passed, except section 7, relating to health professions disciplining authorities, which takes effect July 1, 2022.

Staff Summary of Public Testimony:

(In support) This bill will ensure Washington citizens have safe and secure access to colon hydrotherapy and protect the small businesses that provide it. This bill balances the safety needs of the patients while respecting the needs of the established small businesses providing this service. This bill satisfies the needs of doctors, patients, and support staff providing this service, as well as the Department of Health. This bill will ensure that no more hardship comes to clinics and that patients are no longer at risk of interruption of care. This bill means that providers can refer clients for these services with the confidence that everyone will be held to the highest standards of safety and education. This bill establishes a very reasonable certification pathway. This bill gives assurances to providers to know that they are working in alignment with the law. This solution has been agreed to by all stakeholders.

(Opposed) None.

Persons Testifying: Kristi Zimmer, Jamie Doughty, and Vanessa Haycock, Washington Association of Colon Hydrotherapy; and Brad Tower, Naturopathic Physicians of

Washington.

Persons Signed In To Testify But Not Testifying: None.