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**Health Care & Wellness Committee**

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**HB 2775**

**Brief Description:** Practicing colon hydrotherapy.

**Sponsors:** Representatives Macri, Van Werven, Shewmake and Doglio.

**Brief Summary of Bill**

- Authorizes a certified nursing assistant to perform colon hydrotherapy upon delegation from, and under the supervision of, a naturopath.
- Exempts colon hydrotherapy from the practice of medicine.

**Hearing Date:** 2/4/20

**Staff:** Chris Blake (786-7392).

**Background:**

Colon Hydrotherapy.

According to a January 2009 sunrise review by the Department of Health (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 the certification would not be the most cost-effective means of providing public protection.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Nursing Assistants.

Nursing assistants are persons who, regardless of title, assist in the delivery of nursing activities to patients in facilities such as nursing homes, hospitals, hospice, and home health care agencies. Nursing assistants provide care as delegated by, and under the supervision of, a registered nurse or licensed practical nurse. However, nursing assistants employed as personal aides are not prohibited from accepting direction from their clients.

There are two levels of credentialing for nursing assistants:

- Registered nursing assistants. Applicants for nursing assistant registration must file within three days of employment. Registered nursing assistants may not be assigned to provide care until the nursing assistant demonstrates the skills necessary to perform competently all assigned duties.
- Certified nursing assistants. To become certified, a nursing assistant must successfully complete an approved training program and pass a competency evaluation. Certification is required for nursing assistants working in a nursing home, but is voluntary for those working in other health care facilities unless required by law.

The Nursing Care Quality Assurance Commission (Nursing Commission) determines minimum education requirements and approves training programs for certifying nursing assistants. Rules adopted by the Nursing Commission require an applicant for nursing assistant certification to complete at least 85 hours of training in specified topics.

The Nursing Commission also has authority to determine whether alternative training is equivalent to approved training programs and may establish procedures and criteria for evaluating an applicant's alternative training to determine eligibility to take the qualifying examination for certification.

Nursing assistant registrations and certifications are issued by the Department.

### **Summary of Bill:**

It is specified that the performance of colon hydrotherapy is within the practice of a certified nursing assistant, including when delegated and supervised by a naturopath.

Naturopaths may delegate the performance of colon hydrotherapy to a certified nursing assistant. Before referring a patient to a certified nursing assistant for colon hydrotherapy, the supervising naturopath must conduct a patient evaluation and diagnosis and adopt a plan for patient monitoring. The supervising naturopath must ensure that the certified nursing assistant has the training and certification to safely conduct colon hydrotherapy. A certified nursing assistant who performs colon hydrotherapy must have liability coverage for the service, as well as a written emergency protocol to address urgent needs that may arise from conducting colon hydrotherapy. The certified nursing assistant does not need to perform the services at the supervising naturopath's office.

Colon hydrotherapy is exempt from the practice of medicine.

The term "colon hydrotherapy" is defined as the performance of enemas or colonic irrigation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2020.

**Effective Date:** The bill takes effect 90 days after the adjournment of the session in which the bill is passed, except for sections 1 and 2, relating to the authority of a certified nursing assistant to perform colon hydrotherapy pursuant to a delegation by a naturopath, which take effect July 1, 2021.