

SENATE BILL REPORT

SB 5124

As Passed Senate, March 9, 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 & Long Term Care: 1/13/21, 1/15/21 [DP].

Floor Activity: Passed Senate: 3/9/21, 47-2.

Brief Summary of Bill

- Establishes colon hydrotherapist as a new certified health profession under the Board of Naturopathy.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Van De Wege and Wilson, J.

Staff: LeighBeth Merrick (786-7445)

Background: Colon hydrotherapy—also known as colonic irrigation—is the removal of waste from the large intestine using temperature-controlled water. In 2008, the Washington Court of Appeals affirmed a ruling by the Department of Health (DOH) in *Yow v. The Department of Health Unlicensed Practice Program*, that colonic irrigation constitutes the practice of medicine.

2009 Department of Health Sunrise Review. According to a January 2009 sunrise review

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by DOH, 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 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 professionals in certain circumstances. DOH evaluated a proposal to establish certification for colon hydrotherapists and found the unregulated practice of colon hydrotherapy can harm or endanger health and safety, but 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 certification would not be the most cost-effective means of providing public protection.

2020 Department of Health Report. The 2019-2021 operating budget included a proviso that directed DOH to work with stakeholders to review other states' requirements for practicing colon hydrotherapy and produce recommendations for implementing a colon hydrotherapy certification program in Washington State. The report was released to the Legislature in October 2020. According to the report, many practitioners currently working as colon hydrotherapists in Washington State do not hold a health care credential that allows them to perform colon hydrotherapy. 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: Colon hydrotherapist is established as a new certified profession under the Board of Naturopathy (board). Colon hydrotherapy is defined as the performance of enemas or colonic irrigation. Beginning July 1, 2022, a colon hydrotherapist is certified to perform colon hydrotherapy when they meet examination, education, and training requirements established by the board. The education and training requirements, at a minimum, must address proper technique, use of appropriate equipment, and safety and consent procedures. The board may recognize accreditation or certification by a professional organization with standards that are equivalent or more stringent than the board's requirements as satisfying certain board certification requirements.

In order to practice colon hydrotherapy, a colon hydrotherapist must affiliate with at least one licensed naturopath and only perform colon hydrotherapy on patients who have been referred to the colon hydrotherapist by an affiliated naturopath and in accordance with the plan of care delegated from the affiliated naturopath to the colon hydrotherapist. The colon hydrotherapist must submit the names of all their affiliated naturopaths to the board on a schedule established by the board. A colon hydrotherapist may practice in a location other than the naturopath's office.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will ensure the quality and safety of colon hydrotherapy and is reflective of the stakeholder work DOH conducted over the interim to set standards for certification. It creates the best opportunity to formulize a path forward for colon hydrotherapists to continue their work and all stakeholders agree to it. Initial negotiations began ten years ago. During this time, many small colon hydrotherapy businesses have been threatened with legal action and their livelihoods jeopardized. This bill will provide true relief for these small businesses. Colon hydrotherapy is foundational to naturopathy and access to the service is currently challenging. This will ensure patients have safe access to colon hydrotherapy.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Dr. Jamie Doughty, citizen; Kristi Zimmer, citizen; Vanessa Haycock, citizen.

Persons Signed In To Testify But Not Testifying: No one.