

CERTIFICATION OF ENROLLMENT

SENATE BILL 5124

67th Legislature
2021 Regular Session

Passed by the Senate March 9, 2021
Yeas 47 Nays 2

President of the Senate

Passed by the House April 8, 2021
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5124** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5124

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By Senators Cleveland and Rivers

Prefiled 01/08/21. Read first time 01/11/21. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the practice of colon hydrotherapy; amending
2 RCW 18.36A.060, 18.36A.140, 18.36A.160, and 18.130.040; reenacting
3 and amending RCW 18.36A.020 and 18.130.040; adding a new section to
4 chapter 18.36A RCW; providing an effective date; and providing an
5 expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.36A
8 RCW to read as follows:

9 (1) Beginning July 1, 2022, the secretary shall issue a
10 certification as a colon hydrotherapist to any applicant who:

11 (a) Has completed education and training requirements established
12 by the board. At a minimum, education and training requirements must
13 address proper technique, the use of appropriate equipment, and
14 safety and consent procedures; and

15 (b) Has successfully passed an examination approved by the board.

16 (2) The board may recognize certification or accreditation by a
17 professional organization as satisfying any of the requirements in
18 subsection (1) of this section if the organization's standards are
19 substantially equivalent to or more stringent than those established
20 under subsection (1) of this section.

1 (3) A colon hydrotherapist may not practice colon hydrotherapy
2 unless the colon hydrotherapist has established an affiliation with
3 one or more naturopaths licensed under this chapter. A colon
4 hydrotherapist must submit the names of all naturopaths with which
5 the colon hydrotherapist is affiliated to the board on a schedule
6 established by the board. A colon hydrotherapist may practice in a
7 location other than the office of a naturopath. A colon
8 hydrotherapist may only perform colon hydrotherapy on patients who
9 have been referred to the colon hydrotherapist by a naturopath with
10 whom the colon hydrotherapist is affiliated and only according to the
11 plan of care delegated from the naturopath to the colon
12 hydrotherapist.

13 **Sec. 2.** RCW 18.36A.020 and 2011 c 41 s 3 and 2011 c 40 s 1 are
14 each reenacted and amended to read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Board" means the board of naturopathy created in RCW
18 18.36A.150.

19 (2) "Colon hydrotherapist" means a person certified under this
20 chapter to perform colon hydrotherapy pursuant to an affiliation with
21 one or more naturopaths.

22 (3) "Colon hydrotherapy" means the performance of enemas or
23 colonic irrigation.

24 (4) "Common diagnostic procedures" means the use of venipuncture
25 consistent with the practice of naturopathic medicine, commonly used
26 diagnostic modalities consistent with naturopathic practice, health
27 history taking, physical examination, radiography, examination of
28 body orifices excluding endoscopy, laboratory medicine, and obtaining
29 samples of human tissues, but excluding incision or excision beyond
30 that which is authorized as a minor office procedure.

31 ((+3)) (5) "Department" means the department of health.

32 ((+4)) (6) "Educational program" means an accredited program
33 preparing persons for the practice of naturopathic medicine.

34 ((+5)) (7) "Homeopathy" means a system of medicine based on the
35 use of infinitesimal doses of medicines capable of producing symptoms
36 similar to those of the disease treated, as listed in the homeopathic
37 pharmacopeia of the United States.

1 ~~((6))~~ (8) "Hygiene and immunization" means the use of such
2 preventative techniques as personal hygiene, asepsis, public health,
3 and immunizations, to the extent allowed by rule.

4 ~~((7))~~ (9) "Manual manipulation" or "mechanotherapy" means
5 manipulation of a part or the whole of the body by hand or by
6 mechanical means.

7 ~~((8))~~ (10) "Minor office procedures" means care and procedures
8 incident thereto of superficial lacerations, lesions, and abrasions,
9 and the removal of foreign bodies located in superficial structures,
10 not to include the eye; and the use of antiseptics and topical or
11 local anesthetics in connection therewith. "Minor office procedures"
12 also includes intramuscular, intravenous, subcutaneous, and
13 intradermal injections of substances consistent with the practice of
14 naturopathic medicine and in accordance with rules established by the
15 secretary.

16 ~~((9))~~ (11) "Naturopath" means an individual licensed under this
17 chapter.

18 ~~((10))~~ (12) "Naturopathic medicines" means vitamins; minerals;
19 botanical medicines; homeopathic medicines; hormones; and those
20 legend drugs and controlled substances consistent with naturopathic
21 medical practice in accordance with rules established by the board.
22 Controlled substances are limited to codeine and testosterone
23 products that are contained in Schedules III, IV, and V in chapter
24 69.50 RCW.

25 ~~((11))~~ (13) "Nutrition and food science" means the prevention
26 and treatment of disease or other human conditions through the use of
27 foods, water, herbs, roots, bark, or natural food elements.

28 ~~((12))~~ (14) "Physical modalities" means use of physical,
29 chemical, electrical, and other modalities that do not exceed those
30 used as of July 22, 2011, in minor office procedures or common
31 diagnostic procedures, including but not limited to heat, cold, air,
32 light, water in any of its forms, sound, massage, and therapeutic
33 exercise.

34 ~~((13))~~ (15) "Radiography" means the ordering, but not the
35 interpretation, of radiographic diagnostic and other imaging studies
36 and the taking and interpretation of standard radiographs.

37 ~~((14))~~ (16) "Secretary" means the secretary of health or the
38 secretary's designee.

39 ~~((15))~~ (17) "Suggestion" means techniques including but not
40 limited to counseling, biofeedback, and hypnosis.

1 **Sec. 3.** RCW 18.36A.060 and 2011 c 41 s 5 are each amended to
2 read as follows:

3 In addition to any other authority provided by law, the secretary
4 may:

5 (1) Set all license and certificate, examination, and renewal
6 fees in accordance with RCW 43.70.250;

7 (2) Establish forms and procedures necessary to administer this
8 chapter;

9 (3) Issue a license or certificate to any applicant who has met
10 the education, training, and examination requirements for licensure
11 or certification and deny a license or certification to applicants
12 who do not meet the minimum qualifications for licensure or
13 certification; except that denial of licenses or certificates based
14 on unprofessional conduct or impaired practice shall be governed by
15 the uniform disciplinary act, chapter 18.130 RCW;

16 (4) Hire clerical, administrative, and investigative staff as
17 needed to implement and administer this chapter and to hire
18 individuals, including those licensed under this chapter, to serve as
19 examiners or consultants as necessary to implement and administer
20 this chapter;

21 (5) Maintain the official department record of all applicants
22 (~~and~~), licensees, and certified persons; and

23 (6) Conduct a hearing on an appeal of a denial of a license or
24 certificate based on the applicant's failure to meet the minimum
25 qualifications for licensure or certification. The hearing shall be
26 conducted pursuant to chapter 34.05 RCW.

27 **Sec. 4.** RCW 18.36A.140 and 1996 c 191 s 23 are each amended to
28 read as follows:

29 The secretary shall establish the administrative procedures,
30 administrative requirements, and fees for renewal and late renewal of
31 licenses and certificates as provided in RCW 43.70.250 and 43.70.280.

32 **Sec. 5.** RCW 18.36A.160 and 2011 c 41 s 2 are each amended to
33 read as follows:

34 (1) In addition to any other authority provided by law, the board
35 shall:

36 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary
37 to implement this chapter;

1 (b) Determine the minimum education and experience requirements
2 for licensure in conformance with RCW 18.36A.090, including, but not
3 limited to, approval of educational programs;

4 (c) Determine the minimum education and training requirements for
5 certification as a colon hydrotherapist under section 1 of this act,
6 including identifying any certification or accreditation
7 organizations that satisfy certification requirements;

8 (d) Establish standards for the affiliation relationship between
9 a colon hydrotherapist and a naturopath, including standards for
10 communicating a plan of care for a patient, transferring a patient to
11 a higher level of care, and providing general, off-site supervision;

12 (e) Prepare and administer, or approve the preparation and
13 administration of, examinations for licensure or certification;

14 (~~(d)~~) (f) Establish by rule the procedures for an appeal of
15 examination failure;

16 (~~(e)~~) (g) Determine whether alternative methods of training are
17 equivalent to formal education, and establish forms, procedures, and
18 criteria for evaluation of an applicant's equivalent alternative
19 training to determine the applicant's eligibility to take the
20 examination; and

21 (~~(f)~~) (h) Adopt rules implementing a continuing competency
22 program.

23 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
24 unlicensed and uncertified practice, the issuance and denial of
25 licenses and certifications, and the discipline of licensees and
26 certified persons under this chapter.

27 **Sec. 6.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18, and
28 2019 c 55 s 7 are each reenacted and amended to read as follows:

29 (1) This chapter applies only to the secretary and the boards and
30 commissions having jurisdiction in relation to the professions
31 licensed under the chapters specified in this section. This chapter
32 does not apply to any business or profession not licensed under the
33 chapters specified in this section.

34 (2) (a) The secretary has authority under this chapter in relation
35 to the following professions:

36 (i) Dispensing opticians licensed and designated apprentices
37 under chapter 18.34 RCW;

38 (ii) Midwives licensed under chapter 18.50 RCW;

39 (iii) Ocularists licensed under chapter 18.55 RCW;

1 (iv) Massage therapists and businesses licensed under chapter
2 18.108 RCW;

3 (v) Dental hygienists licensed under chapter 18.29 RCW;

4 (vi) Acupuncturists or acupuncture and Eastern medicine
5 practitioners licensed under chapter 18.06 RCW;

6 (vii) Radiologic technologists certified and X-ray technicians
7 registered under chapter 18.84 RCW;

8 (viii) Respiratory care practitioners licensed under chapter
9 18.89 RCW;

10 (ix) Hypnotherapists and agency affiliated counselors registered
11 and advisors and counselors certified under chapter 18.19 RCW;

12 (x) Persons licensed as mental health counselors, mental health
13 counselor associates, marriage and family therapists, marriage and
14 family therapist associates, social workers, social work associates—
15 advanced, and social work associates—independent clinical under
16 chapter 18.225 RCW;

17 (xi) Persons registered as nursing pool operators under chapter
18 18.52C RCW;

19 (xii) Nursing assistants registered or certified or medication
20 assistants endorsed under chapter 18.88A RCW;

21 (xiii) Dietitians and nutritionists certified under chapter
22 18.138 RCW;

23 (xiv) Substance use disorder professionals, substance use
24 disorder professional trainees, or co-occurring disorder specialists
25 certified under chapter 18.205 RCW;

26 (xv) Sex offender treatment providers and certified affiliate sex
27 offender treatment providers certified under chapter 18.155 RCW;

28 (xvi) Persons licensed and certified under chapter 18.73 RCW or
29 RCW 18.71.205;

30 (xvii) Orthotists and prosthetists licensed under chapter 18.200
31 RCW;

32 (xviii) Surgical technologists registered under chapter 18.215
33 RCW;

34 (xix) Recreational therapists under chapter 18.230 RCW;

35 (xx) Animal massage therapists certified under chapter 18.240
36 RCW;

37 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

38 (xxii) Home care aides certified under chapter 18.88B RCW;

39 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

40 (xxiv) Reflexologists certified under chapter 18.108 RCW;

1 (xxv) Medical assistants-certified, medical assistants-
2 hemodialysis technician, medical assistants-phlebotomist, forensic
3 phlebotomist, and medical assistants-registered certified and
4 registered under chapter 18.360 RCW; and

5 (xxvi) Behavior analysts, assistant behavior analysts, and
6 behavior technicians under chapter 18.380 RCW.

7 (b) The boards and commissions having authority under this
8 chapter are as follows:

9 (i) The podiatric medical board as established in chapter 18.22
10 RCW;

11 (ii) The chiropractic quality assurance commission as established
12 in chapter 18.25 RCW;

13 (iii) The dental quality assurance commission as established in
14 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
15 licenses and registrations issued under chapter 18.260 RCW, and
16 certifications issued under chapter 18.350 RCW;

17 (iv) The board of hearing and speech as established in chapter
18 18.35 RCW;

19 (v) The board of examiners for nursing home administrators as
20 established in chapter 18.52 RCW;

21 (vi) The optometry board as established in chapter 18.54 RCW
22 governing licenses issued under chapter 18.53 RCW;

23 (vii) The board of osteopathic medicine and surgery as
24 established in chapter 18.57 RCW governing licenses issued under
25 chapters 18.57 and 18.57A RCW;

26 (viii) The pharmacy quality assurance commission as established
27 in chapter 18.64 RCW governing licenses issued under chapters 18.64
28 and 18.64A RCW;

29 (ix) The Washington medical commission as established in chapter
30 18.71 RCW governing licenses and registrations issued under chapters
31 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter 18.74
33 RCW;

34 (xi) The board of occupational therapy practice as established in
35 chapter 18.59 RCW;

36 (xii) The nursing care quality assurance commission as
37 established in chapter 18.79 RCW governing licenses and registrations
38 issued under that chapter;

39 (xiii) The examining board of psychology and its disciplinary
40 committee as established in chapter 18.83 RCW;

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW;

3 (xv) The board of naturopathy established in chapter 18.36A RCW,
4 governing licenses and certifications issued under that chapter; and

5 (xvi) The board of denturists established in chapter 18.30 RCW.

6 (3) In addition to the authority to discipline license holders,
7 the disciplining authority has the authority to grant or deny
8 licenses. The disciplining authority may also grant a license subject
9 to conditions.

10 (4) All disciplining authorities shall adopt procedures to ensure
11 substantially consistent application of this chapter, the uniform
12 disciplinary act, among the disciplining authorities listed in
13 subsection (2) of this section.

14 **Sec. 7.** RCW 18.130.040 and 2020 c 80 s 23 are each amended to
15 read as follows:

16 (1) This chapter applies only to the secretary and the boards and
17 commissions having jurisdiction in relation to the professions
18 licensed under the chapters specified in this section. This chapter
19 does not apply to any business or profession not licensed under the
20 chapters specified in this section.

21 (2) (a) The secretary has authority under this chapter in relation
22 to the following professions:

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25 (ii) Midwives licensed under chapter 18.50 RCW;

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28 18.108 RCW;

29 (v) Dental hygienists licensed under chapter 18.29 RCW;

30 (vi) Acupuncturists or acupuncture and Eastern medicine
31 practitioners licensed under chapter 18.06 RCW;

32 (vii) Radiologic technologists certified and X-ray technicians
33 registered under chapter 18.84 RCW;

34 (viii) Respiratory care practitioners licensed under chapter
35 18.89 RCW;

36 (ix) Hypnotherapists and agency affiliated counselors registered
37 and advisors and counselors certified under chapter 18.19 RCW;

38 (x) Persons licensed as mental health counselors, mental health
39 counselor associates, marriage and family therapists, marriage and

1 family therapist associates, social workers, social work associates—
2 advanced, and social work associates—independent clinical under
3 chapter 18.225 RCW;

4 (xi) Persons registered as nursing pool operators under chapter
5 18.52C RCW;

6 (xii) Nursing assistants registered or certified or medication
7 assistants endorsed under chapter 18.88A RCW;

8 (xiii) Dietitians and nutritionists certified under chapter
9 18.138 RCW;

10 (xiv) Substance use disorder professionals, substance use
11 disorder professional trainees, or co-occurring disorder specialists
12 certified under chapter 18.205 RCW;

13 (xv) Sex offender treatment providers and certified affiliate sex
14 offender treatment providers certified under chapter 18.155 RCW;

15 (xvi) Persons licensed and certified under chapter 18.73 RCW or
16 RCW 18.71.205;

17 (xvii) Orthotists and prosthetists licensed under chapter 18.200
18 RCW;

19 (xviii) Surgical technologists registered under chapter 18.215
20 RCW;

21 (xix) Recreational therapists under chapter 18.230 RCW;

22 (xx) Animal massage therapists certified under chapter 18.240
23 RCW;

24 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

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29 hemodialysis technician, medical assistants-phlebotomist, forensic
30 phlebotomist, and medical assistants-registered certified and
31 registered under chapter 18.360 RCW; and

32 (xxvi) Behavior analysts, assistant behavior analysts, and
33 behavior technicians under chapter 18.380 RCW.

34 (b) The boards and commissions having authority under this
35 chapter are as follows:

36 (i) The podiatric medical board as established in chapter 18.22
37 RCW;

38 (ii) The chiropractic quality assurance commission as established
39 in chapter 18.25 RCW;

1 (iii) The dental quality assurance commission as established in
2 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
3 licenses and registrations issued under chapter 18.260 RCW, and
4 certifications issued under chapter 18.350 RCW;

5 (iv) The board of hearing and speech as established in chapter
6 18.35 RCW;

7 (v) The board of examiners for nursing home administrators as
8 established in chapter 18.52 RCW;

9 (vi) The optometry board as established in chapter 18.54 RCW
10 governing licenses issued under chapter 18.53 RCW;

11 (vii) The board of osteopathic medicine and surgery as
12 established in chapter 18.57 RCW governing licenses issued under
13 chapter 18.57 RCW;

14 (viii) The pharmacy quality assurance commission as established
15 in chapter 18.64 RCW governing licenses issued under chapters 18.64
16 and 18.64A RCW;

17 (ix) The Washington medical commission as established in chapter
18 18.71 RCW governing licenses and registrations issued under chapters
19 18.71 and 18.71A RCW;

20 (x) The board of physical therapy as established in chapter 18.74
21 RCW;

22 (xi) The board of occupational therapy practice as established in
23 chapter 18.59 RCW;

24 (xii) The nursing care quality assurance commission as
25 established in chapter 18.79 RCW governing licenses and registrations
26 issued under that chapter;

27 (xiii) The examining board of psychology and its disciplinary
28 committee as established in chapter 18.83 RCW;

29 (xiv) The veterinary board of governors as established in chapter
30 18.92 RCW;

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32 governing licenses and certifications issued under that chapter; and

33 (xvi) The board of denturists established in chapter 18.30 RCW.

34 (3) In addition to the authority to discipline license holders,
35 the disciplining authority has the authority to grant or deny
36 licenses. The disciplining authority may also grant a license subject
37 to conditions.

38 (4) All disciplining authorities shall adopt procedures to ensure
39 substantially consistent application of this chapter, the uniform

1 disciplinary act, among the disciplining authorities listed in
2 subsection (2) of this section.

3 NEW SECTION. **Sec. 8.** Section 6 of this act expires July 1,
4 2022.

5 NEW SECTION. **Sec. 9.** Section 7 of this act takes effect July 1,
6 2022.

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