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HOUSE BILL 1638

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Green, Seaquist, Kelley, and Kenney

Read first time 01/26/09. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to colon hydrotherapy; amending RCW 18.130.040;  
2 adding a new chapter to Title 18 RCW; creating new sections; and  
3 providing an effective date.

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

5            NEW SECTION.    **Sec. 1.** It is the purpose of this chapter to provide  
6 for the licensure of persons offering colon hydrotherapy services to  
7 the public and to ensure standards of competence and professional  
8 conduct on the part of colon hydrotherapists.

9            NEW SECTION.    **Sec. 2.** The definitions in this section apply  
10 throughout this chapter unless the context clearly requires otherwise.

11            (1) "Colon hydrotherapist" means a person who is licensed under  
12 this chapter.

13            (2) "Colon hydrotherapy" means a method of removing waste from the  
14 large intestine by introducing filtered and temperature-regulated water  
15 into the colon, resulting in evacuation through peristalsis.

16            (3) "Department" means the department of health.

17            (4) "Secretary" means the secretary of health or the secretary's  
18 designee.

1        NEW SECTION.    **Sec. 3.**    (1) In addition to any other authority  
2 provided by law, the secretary may:

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

5        (b) Establish all license, examination, and renewal fees in  
6 accordance with RCW 43.70.250;

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

9        (d) Establish administrative procedures, administrative  
10 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
11 All fees collected under this section must be credited to the health  
12 professions account as required under RCW 43.70.320;

13        (e) Develop and administer, or approve, or both, examinations to  
14 applicants for a license under this chapter;

15        (f) Issue a license to any applicant who has met the education,  
16 training, and examination requirements for licensure and deny a license  
17 to applicants who do not meet the minimum qualifications for licensure.  
18 However, denial of licenses based on unprofessional conduct or impaired  
19 practice is governed by the uniform disciplinary act, chapter 18.130  
20 RCW;

21        (g) In consultation with the committee, approve examinations  
22 prepared or administered by private testing agencies or organizations  
23 for use by an applicant in meeting the licensing requirements under  
24 section 5 of this act;

25        (h) Determine which states have credentialing requirements  
26 substantially equivalent to those of this state, and issue licenses to  
27 individuals credentialed in those states that have successfully  
28 fulfilled the requirements of section 6 of this act;

29        (i) Hire clerical, administrative, and investigative staff as  
30 needed to implement and administer this chapter;

31        (j) Maintain the official department record of all applicants and  
32 licensees; and

33        (k) Establish requirements and procedures for an inactive license.

34        (2) The uniform disciplinary act, chapter 18.130 RCW, governs  
35 unlicensed practice, the issuance and denial of licenses, and the  
36 discipline of licensees under this chapter.

1        NEW SECTION.    **Sec. 4.** It is unlawful for any person to practice or  
2 offer to practice as a colon hydrotherapist, or to represent themselves  
3 or other persons to be legally able to provide services as a colon  
4 hydrotherapist, unless the person is licensed under the provisions of  
5 this chapter.

6        NEW SECTION.    **Sec. 5.** An applicant for a colon hydrotherapist  
7 license must:

8            (1) Have successfully completed an examination administered or  
9 approved by the secretary; and

10           (2) Submit an application on forms prescribed by the secretary and  
11 pay the licensure fee required under this chapter.

12        NEW SECTION.    **Sec. 6.** Each applicant and license holder must  
13 comply with administrative procedures, administrative requirements, and  
14 fees under RCW 43.70.250 and 43.70.280. The secretary shall furnish a  
15 license to any person who applies and who has qualified under the  
16 provisions of this chapter.

17        NEW SECTION.    **Sec. 7.** Nothing in this chapter restricts the  
18 ability of colon hydrotherapists to work in the practice setting of his  
19 or her choice.

20        NEW SECTION.    **Sec. 8.** Nothing in this chapter may be construed to  
21 require that a health carrier defined in RCW 48.43.005 contract with a  
22 person licensed as a colon hydrotherapist under this chapter or to  
23 require that a patient obtain a prescription in order to receive colon  
24 hydrotherapy.

25        **Sec. 9.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.  
26 1029) are each amended to read as follows:

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

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

1 (i) Dispensing opticians licensed and designated apprentices under  
2 chapter 18.34 RCW;  
3 (ii) Naturopaths licensed under chapter 18.36A RCW;  
4 (iii) Midwives licensed under chapter 18.50 RCW;  
5 (iv) Ocularists licensed under chapter 18.55 RCW;  
6 (v) Massage operators and businesses licensed under chapter 18.108  
7 RCW;  
8 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
9 (vii) Acupuncturists licensed under chapter 18.06 RCW;  
10 (viii) Radiologic technologists certified and X-ray technicians  
11 registered under chapter 18.84 RCW;  
12 (ix) Respiratory care practitioners licensed under chapter 18.89  
13 RCW;  
14 (x) Persons registered under chapter 18.19 RCW;  
15 (xi) Persons licensed as mental health counselors, marriage and  
16 family therapists, and social workers under chapter 18.225 RCW;  
17 (xii) Persons registered as nursing pool operators under chapter  
18 18.52C RCW;  
19 (xiii) Nursing assistants registered or certified under chapter  
20 18.88A RCW;  
21 (xiv) Health care assistants certified under chapter 18.135 RCW;  
22 (xv) Dietitians and nutritionists certified under chapter 18.138  
23 RCW;  
24 (xvi) Chemical dependency professionals certified under chapter  
25 18.205 RCW;  
26 (xvii) Sex offender treatment providers and certified affiliate sex  
27 offender treatment providers certified under chapter 18.155 RCW;  
28 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
29 RCW 18.71.205;  
30 (xix) Denturists licensed under chapter 18.30 RCW;  
31 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;  
32 (xxi) Surgical technologists registered under chapter 18.215 RCW;  
33 (xxii) Recreational therapists;  
34 (xxiii) Animal massage practitioners certified under chapter 18.240  
35 RCW;  
36 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)  
37 (xxv) Home care aides certified under chapter 18.88B RCW; and

1        (xxvi) Colon hydrotherapists licensed under chapter 18.-- RCW (the  
2 new chapter created in section 11 of this act).

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

5        (i) The podiatric medical board as established in chapter 18.22  
6 RCW;

7        (ii) The chiropractic quality assurance commission as established  
8 in chapter 18.25 RCW;

9        (iii) The dental quality assurance commission as established in  
10 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
11 licenses and registrations issued under chapter 18.260 RCW;

12        (iv) The board of hearing and speech as established in chapter  
13 18.35 RCW;

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

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

18        (vii) The board of osteopathic medicine and surgery as established  
19 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
20 18.57A RCW;

21        (viii) The board of pharmacy as established in chapter 18.64 RCW  
22 governing licenses issued under chapters 18.64 and 18.64A RCW;

23        (ix) The medical quality assurance commission as established in  
24 chapter 18.71 RCW governing licenses and registrations issued under  
25 chapters 18.71 and 18.71A RCW;

26        (x) The board of physical therapy as established in chapter 18.74  
27 RCW;

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

30        (xii) The nursing care quality assurance commission as established  
31 in chapter 18.79 RCW governing licenses and registrations issued under  
32 that chapter;

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

35        (xiv) The veterinary board of governors as established in chapter  
36 18.92 RCW.

37        (3) In addition to the authority to discipline license holders, the

1 disciplining authority has the authority to grant or deny licenses.  
2 The disciplining authority may also grant a license subject to  
3 conditions.

4 (4) All disciplining authorities shall adopt procedures to ensure  
5 substantially consistent application of this chapter, the Uniform  
6 Disciplinary Act, among the disciplining authorities listed in  
7 subsection (2) of this section.

8 NEW SECTION. **Sec. 10.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute  
13 a new chapter in Title 18 RCW.

14 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2010.

15 NEW SECTION. **Sec. 13.** The secretary of health may take the  
16 necessary steps to ensure that this act is implemented on its effective  
17 date.

18 NEW SECTION. **Sec. 14.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 2009, in the omnibus appropriations act, this act  
21 is null and void.

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