

SENATE BILL REPORT

ESHB 2775

As Reported by Senate Committee On:
Health & Long Term Care, February 24, 2020

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

Brief Description: Practicing colon hydrotherapy.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Macri, Van Werven, Shewmake and Doglio).

Brief History: Passed House: 2/19/20, 98-0.

Committee Activity: Health & Long Term Care: 2/21/20, 2/24/20 [DP, w/oRec].

Brief Summary of Bill

- Creates a new certified health profession: medical assistant–colon hydrotherapist.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway, Dhingra, Frockt, Muzzall, Rivers and Van De Wege.

Minority Report: That it be referred without recommendation.

Signed by Senator Becker.

Staff: LeighBeth Merrick (786-7445)

Background: Colon Hydrotherapy. Colon hydrotherapy—also known as colonic irrigation—is generally 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) that colonic irrigation constitutes the practice of medicine, in *Yow v. The Department of Health Unlicensed Practice Program*.

According to a January 2009 sunrise review by DOH, colon hydrotherapy is performed using colonic irrigation systems. Colonic irrigation systems are devices regulated by the federal

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.

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 DOH 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.

Medical Assistants. DOH issues five types of medical assistant credentials: medical assistant–certified, medical assistant–registered, medical assistant–phlebotomist, forensic phlebotomist, and medical assistant–hemodialysis technician. Each type of medical assistant may perform specified duties if delegated by, and under the supervision of, a health care practitioner.

Summary of Bill: A new type of medical assistant is created: medical–assistant colon hydrotherapist. Colon hydrotherapy is defined as the performance of enemas or colonic irrigation. A medical assistant–colon hydrotherapist is certified to perform colon hydrotherapy when delegated and supervised by a licensed naturopath. The medical assistant–colon hydrotherapist may perform colon hydrotherapy at a facility other than the supervising naturopath's office. The supervising naturopath does not need to be physically present while the procedure is being performed, but must be available within a reasonable period of time in person, by telephone, or through telemedicine. By July 1, 2021 the Board of Naturopathy, in consultation with DOH, must adopt rules establishing supervision and delegation requirements for naturopaths who supervise or delegate to a medical assistant–colon hydrotherapist.

A person may not practice colon hydrotherapy unless they are certified as a medical assistant–colon hydrotherapist. DOH must issue a certification to any person who meets training and competency requirements specified in rule by DOH. DOH, in consultation with the Board of Naturopathy, must develop rules specifying the qualifications, including training and competency requirements, for certifying a medical assistant–colon hydrotherapist.

A person performing colon hydrotherapy for compensation does not need to be licensed as a medical assistant–colon hydrotherapist if they are currently practicing colon hydrotherapy for compensation. This exemption expires January 1, 2022.

A naturopath may delegate the performance of colon hydrotherapy to a medical assistant–colon hydrotherapist if:

- the supervising naturopath has conducted a patient evaluation and diagnosis and adopted a plan for patient monitoring;
- the medical assistant–colon hydrotherapist has liability coverage for the colon hydrotherapy; and

- the medical assistant–colon hydrotherapist has a written emergency protocol to address urgent needs that may occur as a result of the colon hydrotherapy.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains an emergency clause and takes effect immediately, except for sections 2, 3, 5 through 7, and 9, relating to the creation of the medical assistant–colon hydrotherapist profession, which take effect July 1, 2021.

Staff Summary of Public Testimony: PRO: This bill will ensure better protocols for digestive health treatments. It provides more appropriate oversight and a new medical assistant new classification that works specifically under the direction for naturopath. This is similar to the medical assistant—phlebotomist who are able to work independently. The DOH sunrise review from a number of years ago indicated there is some medical risk with colon hydrotherapy and this is a prudent way of addressing it.

Persons Testifying: PRO: Representative Nicole Macri, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: PRO: Brad Tower, Washington Association of Naturopathic Physicians; Christie Spice, Department of Health; Kristi Zimmer, Washington Association of Colon Hydrotherapy; Gail Palms, citizen; Jamie Doughty, Washington Association of Colon Hydrotherapy.