

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH30294-LUfqq-5 (12/31)

Short Title: NC Colon Hydrotherapy Licensure.

(Public)

Sponsors: Representative Insko.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE NORTH CAROLINA COLON HYDROTHERAPY  
3 LICENSURE ACT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 42.

8 "Colon Hydrotherapy.

9 **"§ 90-710. Title; legislative findings.**

10 (a) This Article may be cited as the 'North Carolina Colon Hydrotherapy Licensure  
11 Act.'

12 (b) The General Assembly finds that the practice of colon hydrotherapy is an area of  
13 health care that is continually evolving to include more sophisticated and demanding client care  
14 activities. The General Assembly further finds that the practice of colon hydrotherapy by  
15 unauthorized, unqualified, unprofessional, and incompetent persons is a threat to public health,  
16 safety, and welfare, and therefore it is necessary to establish minimum standards of education,  
17 training, and competency for persons engaged in the practice of colon hydrotherapy.

18 **"§ 90-711. Definitions.**

19 The following definitions apply in this Article:

20 (1) Board. – The North Carolina Colon Hydrotherapy Licensing Board.

21 (2) Colon hydrotherapy. – The introduction of water into the colon via the anal  
22 region for the purpose of cleansing the colon.

23 (3) Licensee. – A person who has been issued a license to practice as a colon  
24 hydrotherapist under this Article.

25 (4) Practice of colon hydrotherapy. – The rendering of colon hydrotherapy  
26 services to clients for compensation.

27 **"§ 90-712. License required; exemptions.**

28 (a) Except as otherwise provided in this Article, no person shall engage in the practice  
29 of colon hydrotherapy, use the designation 'Colon Hydrotherapist,' or advertise using any title  
30 or description that implies licensure as a colon hydrotherapist unless the person is licensed as a  
31 colon hydrotherapist as provided by this Article. A violation of this section is a Class 2  
32 misdemeanor.

33 (b) The provisions in this Article shall not apply to:



1           (1) Any person licensed or approved by the North Carolina Medical Board to  
2 practice medicine or perform medical acts, tasks, or functions pursuant to  
3 Article 1 of Chapter 90 of the General Statutes or any person employed and  
4 working under the direct supervision of a physician licensed to practice  
5 medicine pursuant to Article 1 of Chapter 90 of the General Statutes.

6           (2) A student enrolled in an accredited colon hydrotherapy education program if  
7 colon hydrotherapy services performed by the student are an integral part of  
8 the student's course of study and are performed under the direct supervision  
9 of a licensed colon hydrotherapist.

10 **§ 90-713. The North Carolina Colon Hydrotherapy Licensing Board.**

11           (a) Composition and Terms. – The North Carolina Colon Hydrotherapy Licensing  
12 Board is created. The Board shall consist of seven members who shall serve staggered terms.  
13 Four members shall be licensed colon hydrotherapists, one member shall be a physician  
14 licensed under Article 1 of Chapter 90 of the General Statutes, and two members shall represent  
15 the public at large.

16           The initial Board members shall be selected on or before October 1, 2009, as follows:

17           (1) The General Assembly, upon the recommendation of the President Pro  
18 Tempore of the Senate, shall appoint two licensed colon hydrotherapists and  
19 one public member, each to serve for a term of three years.

20           (2) The General Assembly, upon the recommendation of the Speaker of the  
21 House of Representatives, shall appoint two licensed colon hydrotherapists  
22 and one public member, each to serve for a term of two years.

23           (3) The Governor shall appoint a physician licensed under Article 1 of Chapter  
24 90 of the General Statutes for a one-year term.

25           Upon the expiration of the terms of the initial Board members, each member shall be  
26 appointed by the appointing authorities designated in subdivisions (1) through (3) of this  
27 subsection for a three-year term and shall serve until a successor is appointed and qualified. No  
28 member may serve more than two consecutive full terms.

29           (b) Qualifications. – Members of the Board shall be residents of this State. The colon  
30 hydrotherapist members shall have been in practice as colon hydrotherapists for at least two  
31 consecutive years before serving on the Board and shall meet the requirements for licensure  
32 under this Article and remain in good standing with the Board during their terms. The public  
33 member of the Board shall not be: (i) trained or experienced in colon hydrotherapy; (ii) an  
34 agent or employee of a person engaged in the practice of colon hydrotherapy; or (iii) the spouse  
35 of an individual who may not serve as a public member of the Board.

36           (c) Vacancies. – Any vacancy on the Board created by death, resignation, or otherwise  
37 shall be filled in the same manner as the original appointment, except that all unexpired terms  
38 of Board members appointed by the General Assembly shall be filled in accordance with  
39 G.S. 120-122. Appointees to fill vacancies shall serve the remainder of the unexpired term and  
40 until their successors are appointed and qualified.

41           (d) Removal. – The Board may remove any of its members for neglect of duty,  
42 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings in the  
43 member's capacity as a licensed colon hydrotherapist shall be disqualified from participating in  
44 the official business of the Board until the charges have been resolved.

45           (e) Officers and Meetings. – The Board shall elect annually a chair and other officers as  
46 it deems necessary to carry out the purposes of this Article and shall hold meetings at least  
47 twice a year. A majority of the Board shall constitute a quorum.

48           (f) Compensation. – Each member of the Board may receive per diem and  
49 reimbursement for travel and subsistence as set forth in G.S. 93B-5.

1       (g) Assistance. – The Board shall be entitled to the services of the Attorney General in  
2 connection with the affairs of the Board or may, in its discretion, employ an attorney to assist  
3 or represent it in the enforcement of this Article.

4 **"§ 90-714. Powers and duties.**

5       The Board shall have the following powers and duties:

- 6       (1) To administer and enforce the provisions of this Article.
- 7       (2) To adopt, amend, or repeal rules to carry out the provisions of this Article.
- 8       (3) To examine and determine the qualifications and fitness of applicants for  
9 licensure and licensure renewal.
- 10       (4) To issue, renew, deny, restrict, suspend, or revoke licenses.
- 11       (5) To reprimand or otherwise discipline licensees under this Article.
- 12       (6) To receive and investigate complaints from members of the public.
- 13       (7) To conduct investigations to determine whether violations of this Article  
14 exist or constitute grounds for disciplinary action against licensees under this  
15 Article.
- 16       (8) To conduct administrative hearings in accordance with Article 3A of  
17 Chapter 150B of the General Statutes.
- 18       (9) To seek injunctive relief through any court of competent jurisdiction for  
19 violations of this Article.
- 20       (10) To collect fees required by G.S. 90-718 and other monies permitted by law  
21 to be paid to the Board.
- 22       (11) To establish and approve continuing educational requirements for persons  
23 licensed under this Article.
- 24       (12) To employ a secretary-treasurer and any other clerical personnel the Board  
25 deems necessary to carry out the provisions of this Article and to fix  
26 compensation for employees.
- 27       (13) To maintain a record of all proceedings conducted by the Board and make  
28 available to licensees and other concerned parties an annual report of all  
29 Board actions.
- 30       (14) To adopt and publish a code of professional conduct and practice for all  
31 persons licensed under this Article.
- 32       (15) To adopt a seal containing the name of the Board for use on licenses and  
33 official reports issued by the Board.

34 **"§ 90-715. Requirements for licensure; issuance; limitations.**

35       (a) Upon application to the Board and payment of the required fees, an applicant may  
36 be licensed as a colon hydrotherapist if the applicant meets all of the following qualifications:

- 37       (1) Has obtained a high school diploma or its equivalent.
- 38       (2) Is 18 years of age or older.
- 39       (3) Is of good moral character as determined by the Board.
- 40       (4) Has successfully completed one semester of a three-credit hour course in  
41 anatomy and physiology from a postsecondary education school.
- 42       (5) Has successfully completed a minimum of 100 hours of training in colon  
43 hydrotherapy approved by the International Association for Colon  
44 Hydrotherapy.
- 45       (6) Passes an examination that has been approved by the National Board of  
46 Colon Hydrotherapy, meets generally accepted colon hydrotherapy  
47 principles and standards, and is approved by the Board.

48       (b) When the Board determines that an applicant has met all the requirements for  
49 licensure, the Board shall issue a license to the applicant.

1 (c) A colon hydrotherapist licensed under this Article shall not dispense or administer  
2 medication or provide advice regarding the use of medication, whether prescription or  
3 over-the-counter, in connection with the provision of colon hydrotherapy services.

4 (d) All colon hydrotherapists licensed under this Article shall use colon hydrotherapy  
5 equipment registered with the federal Food and Drug Administration and shall comply with all  
6 applicable federal regulations, State laws, and rules adopted by the Board. Water is the only  
7 substance that may be used with the equipment unless another substance is approved for use  
8 under the direction of a person licensed to practice medicine pursuant to Article 1 of Chapter 90  
9 of the General Statutes. Any licensed colon hydrotherapist violating this subsection shall have  
10 the license revoked by the Board.

11 **"§ 90-716. Reciprocity.**

12 The Board may issue a license, without examination, to any person who is a colon  
13 hydrotherapist licensed, certified, or registered in another state or country if the requirements  
14 for licensure, certification, or registration in the other state or country are substantially  
15 equivalent to the requirements for licensure in this State.

16 **"§ 90-717. License renewal and continuing education.**

17 (a) Every license issued under this Article shall be renewed on or before December 31  
18 of each year. Any person who desires to continue to practice shall apply for license renewal and  
19 shall submit the required fees. Licenses that are not renewed shall be automatically revoked. A  
20 license may be renewed at any time within one year after its expiration, if: (i) the applicant  
21 pays the required renewal fee and late renewal fee; (ii) the Board finds that the applicant has  
22 not used the license in a manner inconsistent with the provisions of this Article or engaged in  
23 the practice of colon hydrotherapy after notice of revocation; and (iii) the applicant is otherwise  
24 eligible for licensure under the provisions of this Article. When necessary, the Board may  
25 require a licensee to demonstrate continued competence as a condition of license renewal.

26 (b) As a condition of license renewal, a licensee shall meet continuing education  
27 requirements set by the Board. Each licensee shall complete 12 continuing education units per  
28 year. Failure to obtain continuing education units shall result in the forfeiture of a license. Upon  
29 forfeiture, a person shall be required to submit a new application and retake the examination as  
30 provided in this Article.

31 **"§ 90-718. Expenses and fees.**

32 (a) The Board may impose the following fees not to exceed the amounts listed below:

33 (1)	<u>Application fee</u>	<u>\$150.00</u>
34 (2)	<u>Examination fee</u>	<u>200.00</u>
35 (3)	<u>License renewal</u>	<u>100.00</u>
36 (4)	<u>Late renewal fee</u>	<u>50.00</u>
37 (5)	<u>License by reciprocity</u>	<u>250.00</u>
38 (6)	<u>Duplicate license</u>	<u>25.00.</u>

39 (b) When the Board uses a testing service for the preparation, administration, or grading  
40 of examinations, the Board may charge the applicant the actual cost of the examination  
41 services.

42 **"§ 90-719. Disciplinary action.**

43 The Board may deny, restrict, suspend, or revoke a license or refuse to issue or renew a  
44 license if a licensee or applicant:

- 45 (1) Employs the use of fraud, deceit, or misrepresentation in obtaining or  
46 attempting to obtain a license or the renewal of a license.
- 47 (2) Practices or attempts to practice colon hydrotherapy by fraudulent  
48 misrepresentation.
- 49 (3) Commits an act of gross malpractice or incompetence as determined by the  
50 Board.

- 1           (4)   Has been convicted of or pled guilty or no contest to a crime that indicates  
2           that the person is unfit or incompetent to practice as a colon hydrotherapist  
3           or that indicates that the person has deceived or defrauded the public.  
4           (5)   Has been declared incompetent by a court of competent jurisdiction.  
5           (6)   Has willfully violated any provision in this Article or any rules adopted by  
6           the Board.  
7           (7)   Uses or attempts to use the seal in a fraudulent or unauthorized manner.

8 **"§ 90-720. Civil penalties.**

9           (a)   In addition to taking any of the actions permitted under G.S. 90-719, the Board may  
10 assess a civil penalty not in excess of two thousand dollars (\$2,000) for each violation of any  
11 section of this Article or the violation of any rules adopted by the Board. The clear proceeds of  
12 any civil penalty assessed under this section shall be remitted to the Civil Penalty and  
13 Forfeiture Fund in accordance with G.S. 115C-457.2.

14          (b)   Before imposing and assessing a civil penalty and fixing the amount of the penalty,  
15 the Board shall, as a part of its deliberations, take into consideration the following factors:

- 16           (1)   The nature, gravity, and persistence of the particular violation.  
17           (2)   The appropriateness of the imposition of a civil penalty when considered  
18           alone or in combination with other punishment.  
19           (3)   Whether the violation was willful and malicious.  
20           (4)   Any other factors that would tend to mitigate or aggravate the violation  
21           found to exist.

22          (c)   Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties  
23 for violations of this Article and rules adopted by the Board.

24 **"§ 90-721. Injunction to prevent violation; notification of complaints.**

25          (a)   If the Board finds that a person who does not have a license issued under this Article  
26 is engaging in the practice of colon hydrotherapy, the Board may appear in its own name in  
27 superior court in actions for injunctive relief to prevent any person from violating the  
28 provisions of this Article or rules adopted by the Board.

29          (b)   A licensed colon hydrotherapist shall notify the Board by registered mail of any  
30 complaints filed against the colon hydrotherapist within 30 days from the date the complaint is  
31 filed."

32           **SECTION 2.** Any person who is currently a member of the International  
33 Association for Colon Hydrotherapy (IACT), is certified at the Foundation Level of IACT, and  
34 is using colon hydrotherapy equipment registered with the federal Food and Drug  
35 Administration on the effective date of this act shall be issued a colon hydrotherapist license  
36 without the requirement of examination.

37           **SECTION 3.** This act is effective when it becomes law.