

Section XXXX Standards of Practice for Telehealth

Under Article 8: Rules of Professional Conduct

- a) A licensee is permitted to provide psychological health care services via telehealth to an originating site in this State, as defined in section 2290.5 of the Code, and to provide psychological health care services to a patient or client who is a resident of California who is temporarily located outside of this State, subject to the laws and regulations of the other state where either the licensee or the patient is located. A licensee may also provide psychological health care services to a patient or client who initiates psychological health care services while in this State, but who may not be a resident of this State.
 - 1) Resident means any individual who is present in California for other than a temporary or transitory purpose, or who is domiciled in California, but outside California for a temporary or transitory purpose.
 - 2) Domicile means the place where an individual voluntarily establishes themselves and their family, not merely for a special or limited purpose, but with a present intention of making it their true, fixed, permanent home and principal establishment.

- b) The provision of psychological health care services under subdivision (a) are subject to the following conditions:
 - 1) The licensee holds a valid and current license issued by the Board.
 - 2) The licensee obtains and documents informed consent for the provision of psychological health care services via telehealth from the patient or client. Such consent shall cover concerns unique to the receipt of psychological health care services via telehealth, including risks to confidentiality and security, data storage policies and procedures specific to telehealth, the possibility of disruption and/or interruption of service due to technological failure, insurance coverage considerations, and other issues that the licensee can reasonably anticipate regarding the non-comparability between psychological health care services delivered in person and those delivered via telehealth.
 - 3) The licensee determines that delivery of psychological health care services via telehealth is appropriate after considering at least the following factors:
 - A. The patient or client's diagnosis, symptoms, and medical/psychological history;
 - B. The patient or client's preference for receiving psychological health care services via telehealth;
 - C. The nature of the psychological health care services to be provided, including anticipated benefits, risks, and constraints resulting from their delivery via telehealth;
 - D. The benefits, risks, or constraints posed by the patient or client's physical location. These include the availability of appropriate physical space for the receipt of psychological health care services via telehealth, accessibility of local emergency psychological health care services, and other considerations related to the patient or client's diagnosis, symptoms, or condition.

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- E. The provision of telehealth services are within the scope of competency of a psychology trainee who provides psychological health care services under the supervision of the licensee.
 - 4) The licensee is competent to deliver such services based upon whether he or she possesses the appropriate knowledge, skills, and abilities relating to delivery of psychological health care services via telehealth, the information technology chosen for the delivery of telehealth services, and how such services might differ from those delivered in person.
 - 5) The licensee takes reasonable steps to ensure that electronic data is transmitted securely, and informs the patient or client immediately of any known data breach or unauthorized dissemination of data.
 - 6) The licensee complies with all other provisions of the Psychology Licensing Law and its attendant regulations, and all other applicable provisions of law and standards of care in this and the other relevant jurisdiction.

- c) Failure to comply with these regulations or the laws and regulations of a jurisdiction outside of this State relating to telehealth, may constitutes unprofessional conduct.

Authority: 2930 Business and Professions Code

Reference: Business and Profession Code sections 2290.5, 2904.5