

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 13.1.

BOARD OF PSYCHOLOGY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Standards of Practice for Telehealth Services

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereafter “Board”) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than December 4, 2025** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 2930 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC Section(s) 686, 2290.5, 2904.5, 2960 and 2960.6. the Board of Psychology is considering amending section 1396.8 of Article 8 of Division 13.1 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Psychology Licensing Law establishes the Board’s oversight of licensed psychologists, registrants, psychology trainees, and supervised individuals who provide psychological services. The Board adopted the Standards of Practice for Telehealth Services in August 2021, set forth in Title 16 CCR Section 1396.8. Under CCR Section 1396.8, licensed psychologists, registrants, psychology trainees, and supervised individuals who are permitted to provide psychological health care services via telehealth must comply with the laws and regulations of both California and any jurisdiction where either the licensee or client is located, including when either party is temporarily out of state. The regulation establishes specific requirements for providing

telehealth services, including: holding a valid license, obtaining informed consent that addresses telehealth-specific risks, evaluating whether telehealth is clinically appropriate, ensuring provider and supervisee competency, safeguarding electronic data, and adhering to all applicable legal and professional standards.

The Board has determined amendments to CCR Section 1396.8 are necessary to ensure full compliance. This regulatory proposal will clarify the Board's authority to regulate all psychological services provided by individuals under its jurisdiction, whether delivered in person or via telehealth. The amendments remove outdated language and clarify the criteria for determining when telehealth is clinically appropriate. The amendments reinforce that all practitioners must adhere to relevant federal laws and regulations, Psychology Licensing Law, and all other applicable laws and standards of care in California and any other jurisdiction where either the provider or the client is located.

A summary of proposed changes include:

- Adds the statement "All psychological services offered by Board licensees and registrants via telehealth fall within the jurisdiction of the Board just as traditional face-to-face services do."
- Removes the terms "health care" throughout.
- Adds semicolon after the term "State" in subsection (1) and (2) of subdivision (a).
- Adds the term "or" in subsection (2) of subdivision (a).
- Removes the term "temporarily" in subsection (3) of subdivision (a).
- Adds the terms and comma "medical, and" to section (3)(A) of subdivision (c).
- Adds the terms "choice" and "to receive" and removes the statement "preference for receiving" to section (3)(B) of subdivision (c).
- Removes the statement "the availability of" and "the receipt of".
- Adds the statement "a safe and private" and "client's access to technological resources, and the client's ability to use the chosen technology." To subsection 3(D) of subdivision (c).
- Removes period and adds comma after the term "located" to subsection 6 of subdivision (c).
- Adds the statement "including all relevant Federal laws and regulations related to telehealth." to subsection 4 of subdivision (c).

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The proposed amendments to CCR Section 1396.8 strengthen public protection by ensuring that telehealth services meet the same professional and ethical standards as in-person care, in line with the Board's mandate under BPC 2920.1. The amendments also clarify the Board's jurisdiction over all psychological services delivered via

telehealth, including services provided across state lines or by supervised individuals, eliminating ambiguity and reinforcing regulatory oversight. By aligning with federal laws such as Health Insurance Portability and Accountability Act (HIPAA) the changes improve legal clarity and reduce liability risks for practitioners. The amendments also remove outdated language to ensure the regulation reflects current telehealth technologies and practices. Further, the amendments refine the criteria for determining when telehealth is clinically appropriate, helping ensure services are tailored to individual client needs and delivered ethically. Collectively, these benefits promote ethical standards, compliance, and client-centered telehealth practices within the profession.

This regulatory proposal does not affect worker safety or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE: None.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

The proposed regulations do not result in a fiscal impact to the state. This proposal strengthens public protection by ensuring that telehealth services meet the same professional and ethical standards as in-person care, in line with the Board's mandate under BPC 2920.1. The Board does not anticipate additional workload or costs resulting from the proposed regulations. Any workload and costs of implementation are a result of current law.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts and relevant data:

The Board currently regulates approximately 22,707 licensed psychologists and 1,834 psychological associate registrants, and 2,290 applicants who are in the process of meeting examination and licensure requirements. The proposed regulatory action only impacts licensed psychologists, registrants, psychology trainees, and supervised individuals who provide psychological services via telehealth in compliance with relevant federal laws and regulations, Psychology Licensing Law, and all other applicable laws and standards of care in California and any other jurisdiction where the provider or client is located.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

The proposed amendments to CCR Section 1396.8 will not create or eliminate jobs in the State of California. The changes are limited to clarifying and updating the Standards of Practice for Telehealth Services and do not affect employment conditions. Any compliance-related costs—such as updating informed consent procedures, securing data transmission, or verifying legal obligations across jurisdictions—are expected to be minimal and aligned with existing telehealth practices.

The proposed regulatory action will not create new businesses or eliminate existing ones in California. The amendments primarily clarify existing requirements and align telehealth regulations with current laws, technologies, and professional standards.

There will be no significant effect on the expansion of businesses operating in California. The proposal solely affects licensed psychologists and psychological associate registrants regulated by the Board who provide services via telehealth. Businesses operated by or employing such licensees will not incur additional fiscal impacts, nor will their ability to expand be hindered. Therefore, the proposal is not expected to have a significant impact on existing or new businesses.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The regulation ensures telehealth services uphold the same ethical and clinical standards as in-person care while expanding access to mental health services by permitting the remote delivery of both supervised and licensed care. Telehealth services help to reach underserved, rural, and mobility-limited populations by reducing barriers related to transportation, geography, and scheduling. Additionally, telehealth services help to support continuity of care during emergencies, such as pandemics or natural disasters.

This regulation promotes accountability by requiring clinicians to assess the clinical appropriateness of telehealth, maintain proficiency in using secure, HIPAA-compliant technology, and comply with professional standards and applicable laws across jurisdictions. This proposal also reinforces ethical and legal compliance by mandating documentation of informed consent and adherence to both state and federal regulations, including cross-jurisdictional practice limitations.

This regulatory proposal will have no impact on worker safety or the state's environment, as it does not involve provisions related to any of those issues.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Board.

Effect on Small Business

The Board has determined that the proposed regulations may affect small businesses. Any small businesses owned by licensees of the Board may be impacted, but any costs to comply with the regulations are anticipated to be incurred within normal business operations.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law or would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial

Statement of Reasons (ISOR), proposed regulatory text, and all the information on

which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Psychology, at 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Jacklyn Mancilla
Address:	Board of Psychology 1625 North Market Blvd., Suite N-215, Sacramento, CA 95834
Telephone No.:	(916) 574-8938
Fax No.:	(916) 574-8671
E-Mail Address:	jacklyn.mancilla@dca.ca.gov

The backup contact person is:

Name:	Cynthia Whitney
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Address: Board of Psychology
1625 North Market Blvd., Suite N-215
Sacramento, CA 95834
Telephone No.: (916) 905-5408
Fax No.: (916) 574-8671
E-Mail Address: cynthia.whitney@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board's website at https://www.psychology.ca.gov/laws_regs/regulations.shtml.