

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF PSYCHOLOGY

PROPOSED REGULATORY LANGUAGE
Standards of Practice for Telehealth Services

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1396.8 of Article 8 of Division 13.1 of Title 16 of the California Code of Regulations to read as follows:

§ 1396.8. Standards of Practice for Telehealth Services.

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.

(a) A licensee is permitted to provide psychological ~~health-care~~ services via telehealth subject to the laws and regulations of the other jurisdiction where either the licensee and/or the client is located, including, but not limited to, the following circumstances:

- (1) To a client at an originating site in this State, as defined in section 2290.5 of the Code, when a licensee is located at a distant site within this State~~;~~;
- (2) To a client who has received services in this State, and who is temporarily located outside of this State~~;~~; ~~or~~
- (3) To a client who is located in this State when a licensee is ~~temporarily~~ located outside of this State.

(b) As used in this section, a licensee shall include a licensee, registrant, psychology trainee, or other supervised individual permitted to provide psychological services under the Psychology Licensing Law, beginning with section 2900 of the Code.

(c) 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 or is otherwise allowed to practice under this section.
- (2) The licensee obtains and documents informed consent for the provision of psychological ~~health-care~~ services via telehealth from the 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 client's diagnosis, symptoms, medical, and psychological history;
 - (B) The client's choice ~~preference for receiving to receive~~ 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 client's physical location. These include the availability of a safe and private physical space for the receipt of psychological ~~health care~~ services via telehealth, accessibility of local emergency psychological ~~health care~~ services, other considerations related to the client's diagnosis, symptoms, or condition, the client's access to technological resources, and the client's ability to use the chosen technology.
 - (E) The provision of telehealth services is within the scope of competency of a psychology trainee, or other supervised individuals as specified in (b) above, who provides psychological ~~health care~~ services under the supervision of the licensee.
- (4) The licensee is competent to deliver such services based upon whether the licensee 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 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 State and the other jurisdiction, if any, where either the licensee or the client is located-, including all relevant Federal laws and

regulations related to telehealth.

Credits

NOTE: Authority cited: Section 2930, Business and Professions Code. Reference: Sections 686, 2290.5, 2904.5, 2960 and 2960.6, Business and Professions Code.