

California Board of Occupational Therapy  
Department of Consumer Affairs  
Title 16, Division 39, California Code of Regulations

**PROPOSED LANGUAGE**

All new language. Text that is underlined is for formatting purposes only.

ARTICLE 8. Ethical Standards of Practice

Add section 4172 - Standards of Practice for Occupational Therapy via Telehealth

**§ 4172. Standards of Practice for Telehealth.**

(a) In order to provide occupational therapy services via telehealth as defined in Section 2290.5 of the Code, an occupational therapist or occupational therapy assistant in this State or providing services to a patient or client in this State must have a valid and current license issued by the Board.

(b) An occupational therapist or occupational therapy assistant must exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services.

(c) An occupational therapist shall obtain informed consent from the patient or client prior to delivering occupational therapy services via telehealth, and shall include documentation of that consent statement in the patient's or client's health record.

(d) Prior to providing occupational therapy services via telehealth, an occupational therapist shall determine:

(1) whether an in-person evaluation is necessary; and

(2) whether in-person interventions are necessary.

The obligations of an occupational therapist continue during the course of treatment to determine whether an in-person evaluation or intervention is necessary. In making these determinations, an occupational therapist shall consider: the complexity of the patient's/client's condition; his or her own knowledge, skills, and abilities; the nature and complexity of the intervention; the requirements of the practice setting; and the patient's/client's context and environment.

(e) An occupational therapist or occupational therapy assistant providing occupational therapy services via telehealth must:

(1) Provide services consistent with the practice of occupational therapy as defined in section 2570.2(k) of the Code; and

(2) Comply with all other provisions of the Occupational Therapy Practice Act and its attending regulations, including the ethical standards of practice set forth in section 4170, as well as any other applicable provisions of law.

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code sections 2290.5 and 2570.20.