



**Board Meeting
June 20-21, 2013**

Agenda Item 5 (a) & (b)

Contemporary and Emerging Issues Committee

Background:

As telepsychology practice becomes more commonplace as a delivery method, a few years ago the Board began the process to update our antiquated telepsychology guidelines. As the laws regarding telehealth differ by jurisdiction, our Board was developing "guidelines" with appropriate links so that practitioners would have a general template of how to protect themselves and the consumer by adhering to accepted American Psychological Association (APA) and other national guidelines. Over a year ago, Dr. Erickson, Ms. Gail Evans and the Executive Officer met, discussed and developed a short document of initial guidelines. This was not presented to the Board on request of the committee chair (Ms. Evans). Since our initial process, the APA, Association of State and Provincial Psychology Boards (ASPPB), other organizations and national task forces have been working toward a more complete model taking into account protection of the consumers, best practice and safety guidelines incorporating current trends and technologies. Due to the increased "task force" activity and input to the professional organizations, our initial posted guidelines would have been obsolete or incomplete shortly after development and posting. The Board requested the Executive Officer include the most recent ASPPB Draft Telepsychology Guidelines as a resource in developing our own telepsychology guidelines for our website.

Preparation:

The following documents are the ASPPB Draft Telepsychology Guidelines (part of the Draft Survey Form) and other assorted resources. Please review and be prepared to discuss which of the caveats, bullet points, guidelines, links and other information we would find most appropriate in developing a contemporary website guideline page for California practitioners and consumers. The ASPPB Draft Telepsychology Guidelines should not change much after their final review. The updated E-Passport Draft is included for your information only as part of the telepsychology information. This program will be practitioner specific, so there will be no jurisdictional issues affecting California.

Board Action needed:

Direct the Executive Officer to prepare a web page for posting, prior to the next Board Meeting, with the committee recommendations from this meeting and which guidelines are to be used.

Telehealth Guidelines for Licensees

Background:

On January 1, 2012 AB415 (Logue) became law. This bill made the following changes to the practice of telehealth in California. This bill provides in part:

- Updates the terminology of telemedicine with telehealth.
- Removes limits on the physician locations where telehealth services may be provided.
- Eliminates the ban on services provided via e-mail or telephone being included as telehealth.
- Expands the definition of health care providers to include all medical professionals licensed by the state.
- Removes two Medi-Cal regulations viewed as restrictive to telehealth services.
- Changes the requirement of an additional written patient consent to a verbal consent specifically for telehealth services, which must be documented in the patient records.
- All laws regarding the confidentiality of health care information and a patient's rights to his or her medical information shall apply to all telehealth records.

AB415 does not mandate the use of any telehealth services by health plans or providers, be they public or private. Covered services are still subject to contract negotiations between health plans and providers and by policy in public insurance programs, such as Medi-Cal. AB415 does not change the scope of practice for any licensed health professional, nor does it change interstate licensing laws.

Guidelines:

- All California laws and regulations continue to apply and will be enforced.
- Please be advised the information below are guidelines, as the field of telehealth expands and rules and regulations differ in each jurisdiction.
- No information on this page supercedes any ethical practice, laws and regulations of any other state, province or commonwealth.
- Other state boards may provide valuable information on the practice of telehealth in their state. To contact other state, please visit their website @ www.asppb.net/
- Please inform yourself of the practice and limitations regarding telehealth in your client's state of residence and/or where services are delivered.
- Please review the Notice to the California Consumers regarding the Practice of Psychology on the Internet. As this Board's primary mission is the protection of the consumer.
<http://psychboard.ca.gov/consumers/internet-thrpy.shtml>
This will clarify the consumer's expectations.
- In addition to the notice to the California Consumers other areas you should consider prior to engaging in telehealth include :
 - a) Assess whether each client is appropriate for telepsychology.
 - b) Contact your malpractice insurance carrier for any restrictions or clarifications.
 - c) Contact your client's insurance regarding to determine any restriction on their coverage and payment for telehealth services.

- d) Be aware of ALL other state laws, in addition to California laws and regulations, to avoid citations and actions for unlicensed practice from those jurisdictions.
- e) Provide adequate emergency contact information in case your distance client faces a crisis.

Please be advised the following links are provided for your convenience only.

The Board of Psychology is not responsible for any information or opinion upon leaving the Board's website.

Links:

Telehealth 50 state review from APA (dated March 2010)
Psychologist - Telehealth Provisions
General - Telehealth Provisions
Temporary/Guest License Availability
Penalties for Violations