



MEMORANDUM

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| DATE | October 20, 2014 |
| TO | Psychology Board Members |
| FROM | Jonathan Burke Administrative Services Coordinator |
| SUBJECT | AB 809 (Logue): Healing Arts: Telehealth |

Background:

Allows the verbal consent to telehealth given by the patient at its initial use to apply in any subsequent use of telehealth.

Business and Professions Code section 2290.5(b) states that “Prior to the delivery of health care via telehealth, the health care provider initiating the use of telehealth at the originating site shall inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth as an acceptable mode of delivering health care services and public health during a specified course of health care and treatment.”

The term “originating site” is defined as the location of the patient at the time health care services are provided. This implies that if the health care provider does not physically go to the site where the patient is located to obtain the patient’s verbal or written consent, then he or she is guilty of unprofessional conduct and subject to disciplinary action on his or her license or registration. This runs counter to the purpose of telehealth, which is to use electronic means to make health care more accessible, especially for patients in rural areas.

The Board voted at the June Board meeting to take a “Support if amended” position. The Board requested that the phrase “at the originating site” be deleted from Business and Professions Code section 2290.5(b). This amendment would allow the Board to adopt a “Support” position to AB 809. The Board’s requested amendment to remove the phrase “at the originating site” from Business and Professions Code section 2290.5(b) was implemented by the author. Therefore, the Board voted at the August Board meeting to rescind the “Support if amended” position and adopt a “Support” position.

This bill was signed by Governor Brown and chaptered by the Secretary of State on September 18th, 2014 as Chapter No. 404. This bill was declared to be urgent and became effective immediately after being signed by Governor Brown on September 18, 2014.

Attachment A is the law as chaptered by the Secretary of State.

Action Requested:

This item is for informational purposes only.