


MEMORANDUM

DATE	February 2, 2016
TO	Board Members
FROM	 Antonette Sorrick Executive Officer
SUBJECT	Proposed Additions to California Code of Regulations, Title 16, to Address Standards of Practice for Telehealth: Agenda Item 22(a)

Background:

The Telepsychology Committee convened on January 25, 2016. The Committee discussed possible amendments to language that staff had prepared.

Action Requested:

The Board ratify the attached draft regulatory language to begin the rulemaking process.

§XXXX Standards of Practice for Telehealth

- a) A licensee may provide psychological services via telehealth, as defined in section 2290.5 of the Code, pursuant to the following conditions.
 - 1) The provider of psychological services via telehealth to a resident of California shall hold a valid and current license with the Board.
 - 2) Informed consent for the provision of psychological services via telehealth has been obtained and documented by the licensee. Such consent shall cover concerns unique to the receipt of psychological 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, and any other issues that the licensee that can be reasonably anticipated regarding the non-comparability between psychological services delivered in person and those delivered via telehealth.
 - 3) The delivery of psychological services via telehealth is appropriate. To determine appropriateness, the licensee shall consider the following:
 - a. The service recipient(s) diagnosis, symptoms, and medical/psychological history;
 - b. The service recipients(s) preference for receiving services via telehealth;
 - c. The nature of the services to be provided, including anticipated benefits, risks, and constraints resulting from their delivery via telehealth;
 - d. Any benefits, risks, or constraints posed by the service recipients' physical location. These include the availability of appropriate physical space for the receipt of psychological services via telehealth, accessibility of local emergency psychological services, and other considerations related to the service recipient's diagnosis, symptoms, or condition.
 - 4) The licensee is competent to deliver psychological services via telehealth. To determine competence, the licensee shall consider the following:
 - a. The possession of appropriate knowledge, skills, and abilities relating to delivery of psychological services via telehealth, including how such services might differ from those delivered in person, and have the knowledge, skills and abilities relating to the information technology chosen for the delivery of telehealth services.
 - 5) The licensee takes reasonable steps to ensure that electronic data is transmitted securely, and informs the service recipient(s) immediately of any known data breach or unauthorized dissemination of data.
- b) Failure to comply with these regulations shall be considered unprofessional conduct. Providers of telehealth shall comply with all standards set forth by the board.