

**State of California  
Office of Administrative Law**

In re:  
Board of Psychology

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1396.8

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2026-0212-05

OAL Matter Type: Regular (S)

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In this rulemaking action, the Board of Psychology clarifies that these regulations apply to all psychological services provided by individuals under its jurisdiction, whether delivered in person or via telehealth.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2026.

Date: March 24, 2026

  
Sam Micon  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Antonette Sorrick, Executive  
Officer

Copy: Jacklyn Mancilla

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2025-1003-03</b>	REGULATORY ACTION NUMBER <b>2026-0212-055</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

MAR 24 2026

NG 1:41pm

OFFICE OF ADMINISTRATIVE LAW		OFFICE OF ADMIN. LAW 2026 FEB 12 PM4:53	
<b>Electronic Submission</b>			
RECVD DATE 10/03/2025	PUBLICATION DATE 10/17/2025		
NOTICE		REGULATIONS	

AGENCY WITH RULEMAKING AUTHORITY Board of Psychology	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Standards of Practice for Telehealth Services	TITLE(S) 16	FIRST SECTION AFFECTED 1396.8	2. REQUESTED PUBLICATION DATE 10/17/2025
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jacklyn Mancilla	TELEPHONE NUMBER (916) 574-8938	FAX NUMBER (Optional) (916) 574-8671
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2025, 42-2	PUBLICATION DATE 10/17/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Standards of Practice for Telehealth Services	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND
section 1396.8	REPEAL
TITLE(S) Title 16	

3. TYPE OF FILING	<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal Code Regs., title 1, §100)
	<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) <b>Christine J. Lally, DCA Acting Director</b>	<i>Christine Lally</i>		

7. CONTACT PERSON Jacklyn Mancilla	TELEPHONE NUMBER (916) 57 4-8938	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Mancilla, Jacklyn@DCA.com
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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ENDORSED APPROVED

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Jonathan Burke</i>	DATE 02/12/2026
TYPED NAME AND TITLE OF SIGNATORY Jonathan Burke, Executive Officer, California Board of Psychology	

MAR 24 2026  
Office of Administrative Law

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. BOARD OF PSYCHOLOGY

PROPOSED REGULATORY LANGUAGE  
Standards of Practice for Telehealth Services

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by <del>strikeout</del> .
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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.**

(a) 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)~~(b) 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;<sub>i</sub>
- (2) To a client who has received services in this State, and who is temporarily located outside of this State;<sub>i</sub> or
- (3) To a client who is located in this State when a licensee is temporarily-located outside of this State.

~~(b)~~(c) 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.

~~(e)~~(d) The provision of psychological ~~health-care services~~ under subdivision ~~(a)~~(b) 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, and medical/psychological 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 appropriate a safe and private physical space for the receipt of psychological health care services via telehealth; accessibility of local emergency psychological health care services; and 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)(c) 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;~~;~~ and 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.