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To: Committee Members

Date: November 29, 2023

From: Rosanne Helms
Legislative Manager

Subject: Overview of Telehealth Committee's Roles and Tasks

The Telehealth Committee held its first meeting on January 22, 2021. The purpose of the Committee was to determine if any of the Board's statutes and regulations related to the practice of telehealth by Board licensees, registrants, and trainees needed to be updated or clarified.

To date, Committee members and stakeholders have discussed the following:

- Future topic areas for Committee discussion. (*Shown in **Attachment A.***)
- The Board's existing statutes and regulations related to telehealth. (*Discussion of potential amendments to the telehealth regulations to continue today.*)
- Having a baseline telehealth coursework requirement. (*Signed into law via AB 1759.*)
- Clarification of telehealth laws for associates and trainees. (*Signed into law via AB 1759.*)
- Allowing supervision via videoconferencing in all settings. (*Signed into law via AB 1758.*)
- Laws of several other states that pertain to temporary practice across state lines. (*The Board-sponsored temporary practice allowance bill (AB 232) was signed by the Governor in October 2023.*)
- Development of a telehealth best practices document. (*Documents posted to the website*)
- Discussion of interstate compacts. (*Discussed in June 2023; staff will continue to monitor the compacts' progress.*)
- Discussion of online-only therapy platforms and other alternative modes of therapy. (*Discussion being continued at today's meeting.*)

The topic of telehealth is an extensive one that will continue to be relevant for discussion indefinitely. However, as the major issues posed by the COVID-19 State of

Emergency have been addressed, the Board Chair has chosen to end the Committee at this time. Future issues related to telehealth will be addressed in the Policy and Advocacy Committee, and the Committee can be reinstated by the Chair at any time if a need is identified.

Attachments

Attachment A: Issues Identified for Discussion at Future Telehealth Committee Meetings

ATTACHMENT A

Issues Identified for Discussion at Future Telehealth Committee Meetings

1. The ability of pre-licensed individuals (trainees) to perform services via telehealth (possible BPC §2290.5(a)(3) clarification). (Clarified via AB 1759, 2022)
2. The ability of MFT and PCC trainees to gain required practicum hours via telehealth. (Possible clarification of “face-to-face” terminology in BPC §§4980.36(d)(1)(B), 4980.37(c)(2), 4999.32(c)(3), and 4999.33(c)(3)). (Discussed in June 2022 Telehealth Committee and July 2022 Policy and Advocacy Committee meetings. Board opted to table in August 2022.)
3. The allowable settings for pre-licensed individuals to perform services via telehealth. (i.e., Can it be from home? Or must it be from the work site? Can they perform services with clients located in California if temporarily in another state?) (Best practices documents posted to website).
4. The supervision via videoconferencing requirements for both associates and trainees. Also, the use of the term “face-to-face” contact in these sections when defining direct supervisor contact. (BPC §§4980.43.2(b) and (d), 4996.23.1(b) and (f), 4999.46.2(b) and (d)) (Resolved via AB 1758, 2022)
5. Review of current BBS telehealth regulations, including discussion of §1815.5(e) specifically. (Additional potential amendments to §1815.5 to be discussed today)
6. Examination and discussion of newer delivery methods being offered (email, texting, app-based). (Discussion continuing today)
7. Examination and discussion of regulating online therapy sites operating in California (i.e., via advertising guidelines, etc.). (Discussion continuing today)
8. The possibility of adding a temporary/incidental allowance for out-of-state licensees to perform services for clients that have moved to California or are temporarily located in California (both in an emergency situation, and incidentally, such as traveling or for college). (Resolved via AB 232, 2023)
9. Examination of the U.S. Department of Veteran’s Affairs telehealth allowance. (Discussed January 2021)
10. Examination and discussion of interstate compacts. (Discussed in June 2023; staff will continue to monitor.)
11. Telehealth and Medicaid/Medicare reimbursement. (This topic applies to multiple professions and broader legislative efforts continue to address this issue.)

12. Discussion of outreach strategy to educate California consumers about online therapy (consumer rights, possible downfalls, etc.). (Best practices documents posted on website.)
13. Discussion of 5150 applications – including WIC 5585 re: children – need guidance from BBS on that (from committee - from LA County Dept. of Mental Health - 1/22/21 meeting.) (This is a legal question outside the authority of the Board.)
14. Telehealth requirements – need license display in background? (The Board considered an amendment to the license display requirement at its November 2023 meeting. The amendment would instead require license number and other information to be included in the required notice given to consumers at the commencement of therapy.)
15. Consideration of mandated telehealth training for licensees, and what constitutes scope of competence for telehealth. (Resolved via AB 1759.)