



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

TELEHEALTH COMMITTEE MINUTES

DATE December 8, 2022

MEETING PLATFORM WebEx Video/Phone Conference

TIME 9:00 a.m.

ATTENDEES

Members Present: Christopher (Chris) Jones, Chair, LEP Member
Susan Friedman, Public Member
Kelly Ranasinghe, Public Member

Members Absent: *All members present*

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Rosanne Helms, Legislative Manager
Christina Kitamura, Administrative Analyst
Sabina Knight, Legal Counsel

Other Attendees: Public participation via WebEx video conference/phone conference

I. Call to Order and Establishment of Quorum

Chris Jones, Chair of the Telehealth Committee (Committee) called the meeting to order at 9:00 a.m. Roll was called, and a quorum was established.

II. Introductions

Committee members, Board staff, and remote public attendees introduced themselves.

III. Consent Calendar: Discussion and Possible Approval of June 3, 2022 Committee Meeting Minutes

Motion: Approve the June 3, 2022 Committee Meeting Minutes as amended.

M/S: Ranasinghe/Friedman

Public Comment: None

Motion carried. Support: 3 Oppose: 0 Abstain: 0

Board Member	Vote
Friedman	Yes
Jones	Yes
Ranasinghe	Yes

IV. Overview of the Committee’s Roles and Tasks

The Committee members and stakeholders have discussed the following:

- Future topic areas for Committee discussion.
- The Board’s existing statutes and regulations related to telehealth.
- Laws of several other states that pertain to temporary practice across state lines.
- Having a baseline telehealth coursework requirement, which was signed into law via AB 1759.
- Clarification of telehealth laws for associates and trainees, which was signed into law via AB 1759.
- Allowing supervision via videoconferencing in all settings, which was signed into law via AB 1758.
- Development of a telehealth best practices document. Discussion continues on this topic.

V. Discussion and Possible Recommendation Regarding Online-Only Therapy Platforms and Other Alternative Modes of Therapy

A discussion took place regarding whether online-only therapy platforms and alternative methods of therapy pose any new public protection concerns.

Committee/Staff Discussion

The following concerns raised by the Committee and public:

- Interaction between online therapy platforms and the continuity of care law;
- Educating consumers who are seeking online therapy regarding oversight of California licensed therapists and where to file complaints;
- Lack of clinical oversight or leadership;
- Text-based care;
- Standards of practice.

The Committee directed to staff to:

- Work on educating consumers (outreach);
- Begin discussions with the legislature regarding regulation of online platform entities;
- Draft a survey for licensees and associates and bring it back to the Committee.

VI. Discussion and Possible Recommendation Regarding Business and Professions Code Sections 4980.31, 4980.44, 4989.48, 4996.7, and 4999.70, and California Code of Regulations Title 16, Sections 1811 and 1815.5: Required Display of License or Registration

Two options were presented that would update the law requiring a licensee or registrant to display their license or registration certificate in their primary place of practice.

- **Option 1:**

A licensee or registrant shall display his or her their license or registration in a conspicuous place in the licensee's their primary place of practice. If practice is via telehealth, display of the license or registration is not required, but the license or registration number shall be provided to the client in compliance with board regulations.

- **Option 2:** Require all licensees and registrants to either provide their license or registration number, or to provide a copy of their license or registration certificate, upon initiation of psychotherapeutic services. If the Board chooses to do this, it may also reasonably choose to delete or amend the sections in statute requiring the display of the license in a conspicuous place in the primary place of practice.

Jones preferred Option 1. Friedman did not favor Option 1.

Public Comment

- Regardless of which option is chosen, the requirement should be consistent between in-person and telehealth.
- Ensuring that clients have access to the provider's licensure information is most important.
- Allow the licensee to decide how they will display their license/provide licensure information.
- The license display requirement is problematic in terms of privacy. Suggested that licensure information is provided alongside the requirement to provide notice of complaint process.

Committee/Staff Discussion

- Add an additional sentence to the notice provided to the client, stating the name, license type and license number of the provider.
- Provide name and license number to the client upon providing services. Doesn't matter how it's presented.

The Committee directed staff to draft language to require the licensee/associate provide their license or registration number and expiration date to clients upon initiation of each service provided, as well as to include it on the informed consent.

VII. Discussion and Possible Recommendation Regarding Telehealth Best Practices Guidance Document

At its last meeting on June 3, 2022, the Committee suggested that the Board's best practice document for telehealth should present a broad overview of best practices and should highlight ethical guidelines to consider when providing service through telehealth. Staff was directed to continue developing the guidance document.

The goal of the Board's document is to help employers and supervisors better assess acceptable work settings and conditions for telehealth and to clarify the expectations for all parties utilizing telehealth. Board staff believes it would be best to present telehealth best practices in two documents: one document focusing on the use of videoconferencing for supervision and another focusing on the general use of telehealth when delivering services.

The following draft documents were presented:

1. Document 1: Best Practices for Utilizing Videoconferencing in Supervision
2. Document 2: Best Practices when Utilizing Telehealth to Deliver Services

Committee/Staff Discussion

Jones: One important item that stood out is regarding crisis situations when a supervisor is not physically present to walk the supervisee through the situation.

Ranasinghe: Suggested including language in the 2nd document on platforming when utilizing telehealth as an independent contractor inside of a platform versus doing it on one's own platform

Public Comment

Dr. Leah Brew: The Board should consider creating three documents. One would be a broad supervision best practices document (regardless of modality), which would be a large labor-intensive project, which could be done with the assistance of the associations. The next would be tele-mental health and tele-supervision as two separate documents. Those documents would need to be reviewed annually to ensure that they are up to date. Does not recommend that any information regarding particular platforms should be included.

Dr. Ben Caldwell:

- Expressed concern that these documents will worsen existing confusion about what telehealth practices are mandated versus what is recommended. Although they are recommendations, they will be interpreted as mandates because it's coming from BBS.
- The supervision document contains language of recommended, need to, and should.
- Encouraged the Board to narrow the scope of this project to clarifying the existing telehealth regulation that requires therapists utilizing telehealth to us industry best practices to ensure client confidentiality and the security of the communication platform.

Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT): These documents are needed but it is a very gray area. Agrees that the associations should work with BBS on this project.

Jon Swanson: It will be helpful if the various modalities are addressed considering both initial diagnostic evaluations and follow-up treatment, so both licensees and supervisors understand the appropriate use of telehealth for initial and follow-up visits.

Committee/Public Discussion

The Committee encouraged staff to be mindful about how deep this could get as to not lose focus on the intent of the document.

Sodergren: Suggested focusing on an in-depth FAQ concerning current regulations and statutes and refer to the best practice documents.

The Committee liked the FAQ idea. Staff will continue to work with Dr. Brew to develop the documents.

VIII. Suggestions for Future Agenda Items

Ranasinghe: Requesting an inquiry regarding therapy being conducted in the online gaming environment. Is this something that BBS needs to follow?

IX. Public Comment for Items not on the Agenda

None

X. Adjournment

The Committee adjourned at 10:56 a.m.