



Board of Behavioral Sciences

Memo

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To: Committee Members

Date: May 26, 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 is to determine if any of the Board's statutes and regulations related to the practice of telehealth by Board licensees, registrants, and trainees need to be updated or clarified.

So far, the 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.
- Laws of several other states that pertain to temporary practice across state lines. (*A temporary practice allowance has been approved to be run as legislation in 2023 (AB 232, Aguiar-Curry).*)
- 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.*)
- Discussion of online-only therapy platforms and other alternative modes of therapy. (*Discussion being continued at today's meeting.*)
- Development of a telehealth best practices document. (*Documents approved at last meeting and web posting is in process.*)

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 approved for posting).
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 will be discussed at an upcoming meeting.)
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). (Legislative proposal currently running (AB 232, Aguiar-Curry).)
9. Examination of the U.S. Department of Veteran’s Affairs telehealth allowance. (Discussed January 2021)
10. Examination and discussion of interstate compacts. (Discussion today)
11. Telehealth and Medicaid/Medicare reimbursement. (Pending)

12. Discussion of outreach strategy to educate California consumers about online therapy (consumer rights, possible downfalls, etc.). (Best practices documents approved for posting.)
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.) (Pending)
14. Telehealth requirements – need license display in background? (from cmte. 1/22/21) (Discussed at March 2023 meeting; Policy and Advocacy Committee will next discuss at July 2023 meeting.)
15. Consideration of mandated telehealth training for licensees, and what constitutes scope of competence for telehealth. (from cmte 1/22/21) (Resolved via AB 1759.)