

**State of California
Office of Administrative Law**

In re:
Board of Behavioral Sciences

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1815.5

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3


OAL Matter Number: 2025-0708-01

OAL Matter Type: Regular (S)

This regular rulemaking action by the Board of Behavioral Sciences amends the standards of practice for telehealth provision of psychotherapy services.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026 pursuant to section 11343.4, subdivision (b)(2), of the Government Code.

Date: August 19, 2025



Timothy Findley
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Steve Sodergren, Executive
Officer

Copy: Christy Berger

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-1017-03	REGULATORY ACTION NUMBER 2025-0708-018	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
OFFICE OF ADMINISTRATIVE LAW Electronic Submission RECEIVED DATE 10/17/2024		OFFICE OF ADMIN. LAW 2025 JUL 8 PM4:04 PUBLICATION DATE 11/01/2024	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Behavioral Sciences			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of CaliforniaAUG 19 2025
3:08PM AB

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Telehealth		TITLE(S) 16	FIRST SECTION AFFECTED 1815.5	2. REQUESTED PUBLICATION DATE November 1, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Christy Berger	TELEPHONE NUMBER (916) 574-7995	FAX NUMBER (Optional)
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2024,44-2	PUBLICATION DATE 11/1/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Telehealth		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT AMEND Section 1815.5 REPEAL	
3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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) Notice of Modified Text Beginning April 18, 2025 and ending May 5, 2025			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input 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 checked="" type="checkbox"/> Effective other (Specify) January 1, 2026			
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) Kimberly Kirchmeyer, Director, Department of Consumer Affairs			
7. CONTACT PERSON Christy Berger		TELEPHONE NUMBER 916-574-7995	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) christy.berger@dca.ca.gov

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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Steve Sodergren

DATE

07/03/2025

TYPED NAME AND TITLE OF SIGNATORY

Steve Sodergren, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 19 2025

Office of Administrative Law

PER AGENCY REQUEST TDF 8/19/2025

BOARD OF BEHAVIORAL SCIENCES

ORDER OF ADOPTION

The Board of Behavioral Sciences of the Department of Consumer Affairs hereby amends regulations in Division 18 of Title 16 of the California Code of Regulations, to read as follows:

§1815.5. Standards of Practice for Telehealth.

- (a) Except as provided in section 2290.5 of the Code for trainees, All persons engaging in the practice of marriage and family therapy, educational psychology, clinical social work, or professional clinical counseling via telehealth, as defined in Section 2290.5 of the Code, with a client who is physically located in this State must have a ~~valid and current~~ and active license or registration issued by the Board.
- (b) All psychotherapy services offered by board licensees and registrants via telehealth fall within the jurisdiction of the board just as traditional face-to-face services do. Therefore, all psychotherapy services offered via telehealth are subject to the board's statutes and regulations.
- (c) Upon initiation of telehealth services, a licensee or registrant shall do the following:
 - (1) Obtain informed consent from the client consistent with ~~Section~~ Section 2290.5 of the Code.
 - (2) Inform the client of the potential risks and limitations of receiving treatment via telehealth.
 - (3) Provide the client with ~~his or her~~ their license or registration number and the type of license or registration.
 - (4) Document reasonable efforts made to ascertain the contact information of relevant resources, including emergency services, in the patient's geographic area.
- (d) Each time a licensee or registrant provides services via telehealth, ~~he or she~~ they shall do the following:
 - (1) Verbally obtain from the client and document the client's full name and address of present location, at the beginning of each telehealth session.
 - (2) Assess whether the client is appropriate for telehealth, including, but not limited to, consideration of the client's psychosocial situation.

(3) ~~Utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium. Comply with all applicable federal and state privacy, confidentiality, and security laws and regulations governing the use and disclosure of a client's medical information or protected health information, including the following:~~

(A) The Confidentiality of Medical Information Act (Part 2.6 (commencing with section 56) of Division 1 of the Civil Code) with respect to a client's medical information.

(B) HIPAA's security standards in Subpart C of Part 164, 45 Code of Federal Regulations (C.F.R) sections 164.302 through 164.318, with respect to a client's PHI. For the purposes of this subparagraph, "HIPAA" means the Health Insurance Portability and Accountability Act of 1996 (42 United States Code sections 1320d-1320d-8) as amended by subsequent legislation and the implementation of Privacy, Security, and Enforcement Rules under 45 C.F.R. Part 160 and Subparts A, C, D, and E of Part 164.

(C) For the purposes of subparagraphs (i) and (ii) of paragraph (3):

1. "Medical information" has the meaning set forth in section 56.05 of the Civil Code.

2. "Protected Health Information (PHI)" means the client's "individually identifiable health information" as defined in section 1320d of Title 42 of the United States Code. PHI includes a client's medical history, or mental health history, which is a written record of the client's personal health history that provides information about diagnoses, illnesses, surgeries, hospitalizations, medications, treatments, and results of physical or mental exams and tests.

(e) A licensee or registrant of this state may provide telehealth services to clients located in another jurisdiction only if the California licensee or registrant meets the requirements to lawfully provide services in that jurisdiction, and delivery of services via telehealth is allowed by that jurisdiction.

~~(f) Failure to comply with these provisions shall be considered unprofessional conduct.~~

Note: Authority cited: Sections 4980.60 and 4990.20, Business and Professions Code.
Reference: Sections 2290.5, 4980, 4989.50, 4996, 4999.30 and 4999.82, Business and Professions Code.

8/18/2025
PER AGENCY
REQUEST
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8/18/2025
PER AGENCY
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