

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Sections 4172 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on March 18, 2012, to the following:

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DATED: March 1, 2013



HEATHER MARTIN
Executive Officer
Board of Occupational Therapy

California Board of Occupational Therapy
Department of Consumer Affairs

Title 16. Division 39, California Code of Regulations

PROPOSED LANGUAGE

Proposed amendments are shown by ~~strikeout~~ for deleted text and underline for new text.

Modifications are shown by ~~double-strikeout~~ for deleted text and double underline for new modified language.

ARTICLE 8. Ethical Standards of Practice

Add section 4172 - Standards of Practice for Telehealth

§ 4172. Standards of Practice for Telehealth.

(a) In order to provide occupational therapy services via telehealth as defined in Section 2290.5 of the Code, an occupational therapist or occupational therapy assistant ~~in this State or providing services to a patient or client in this State~~ must have a valid and current license issued by the Board.

~~(b) An occupational therapist or occupational therapy assistant must exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services.~~

(e) (b) An occupational therapist shall obtain informed consent from the patient or client prior to delivering occupational therapy services via telehealth, and shall include: Documentation of that consent statement and a consent for release of records shall be maintained in the patient's or client's health record.

(c) All records, including but not limited to, patient consent statements, medical, billing, and employee records, must be provided to the Board upon request.

(d) Prior to providing occupational therapy services via telehealth,:

(1) an occupational therapist shall determine: ~~(1)~~ whether an in-person evaluation is necessary; and a local therapist must be available should an onsite visit be required;

(2) an occupational therapist shall determine whether in-person interventions are necessary. If it is determined in-person interventions are necessary, an on-site occupational therapist or occupational therapy assistant shall provide the appropriate interventions.

~~(e) The obligations of an occupational therapist continue during the course of treatment to determine whether an in-person evaluation or intervention is necessary.~~ In making these determinations whether an in-person evaluation or in-person interventions are necessary, an occupational therapist shall consider: the complexity of the patient's/client's condition; his or her own knowledge, skills, and abilities; the nature and complexity of the intervention; the requirements of the practice setting; and the patient's/client's context and environment. The obligations of an occupational therapist to determine whether an in-person evaluation or intervention is necessary continue during the course of treatment.

~~(e)~~ (f) An occupational therapist or occupational therapy assistant providing occupational therapy services via telehealth must:

(1) Exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services;

~~(1)~~ (2) Provide services consistent with the practice of occupational therapy as defined in section 2570.2(k) of the Code; and

~~(2)~~ (3) Comply with all other provisions of the Occupational Therapy Practice Act and its attending regulations, including the ethical standards of practice set forth in section 4170, as well as any other applicable provisions of law.

(g) Failure to comply with these regulations shall be considered unprofessional conduct as set forth in the Occupational Therapy Practice Act.

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code sections 2290.5 and 2570.20.