

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 December 18, 2015, to the following:

Heather Martin
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone: (916) 263-2294
Fax: (916) 263-2701
E-mail: cbot@dca.ca.gov

DATED: December 2, 2015



HEATHER MARTIN, Executive Officer
California Board of Occupational Therapy

**California Board of Occupational Therapy
Department of Consumer Affairs**

Title 16, Division 39, California Code of Regulations

MODIFIED TEXT

Amendments are shown by ~~strikeout~~ for deleted text and underlined for new text.

Modifications are shown by underlined for new text.

Amend Title 16, Division 39, Article 8, California Code of Regulations to read as follows:

§ 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 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 shall ~~obtain informed consent from~~ inform the patient or client ~~prior to delivering~~ about occupational therapy services via telehealth ~~and obtain consent prior to delivering those services,~~ consistent with Section 2290.5 of the Code.

~~(c) Prior to providing occupational therapy services via telehealth:~~

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

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

~~(c) (d) In making the determination~~ On occupational therapist shall determine whether an in-person evaluation or in-person interventions are necessary, ~~an occupational therapist shall consider~~ considering: 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.

~~(d) (e)~~ 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;

(2) Provide services consistent with section 2570.2(k) of the Code; and

(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.

~~(e) (f)~~ 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.