

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE MAY 19, 2014

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY APRIL 29, 2013

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 809**

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**Introduced by Assembly Member Logue**  
(Coauthor: Senator Galgiani)

February 21, 2013

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An act to amend Section 2290.5 of the Business and Professions Code, relating to telehealth, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 809, as amended, Logue. Healing arts: telehealth.

Existing law requires a health care provider, as defined, prior to the delivery of health care services via telehealth, as defined, to verbally inform the patient that telehealth may be used and obtain verbal consent from the patient for this use. Existing law also provides that failure to comply with this requirement constitutes unprofessional conduct.

This bill would require the health care provider initiating the use of telehealth ~~at the originating site~~ to obtain verbal or written consent from the patient for the use of telehealth, as specified. The bill would require that health care provider to document the consent.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2290.5 of the Business and Professions  
2 Code is amended to read:

3 2290.5. (a) For purposes of this division, the following  
4 definitions shall apply:

5 (1) "Asynchronous store and forward" means the transmission  
6 of a patient's medical information from an originating site to the  
7 health care provider at a distant site without the presence of the  
8 patient.

9 (2) "Distant site" means a site where a health care provider who  
10 provides health care services is located while providing these  
11 services via a telecommunications system.

12 (3) "Health care provider" means a person who is licensed under  
13 this division.

14 (4) "Originating site" means a site where a patient is located at  
15 the time health care services are provided via a telecommunications  
16 system or where the asynchronous store and forward service  
17 originates.

18 (5) "Synchronous interaction" means a real-time interaction  
19 between a patient and a health care provider located at a distant  
20 site.

21 (6) "Telehealth" means the mode of delivering health care  
22 services and public health via information and communication  
23 technologies to facilitate the diagnosis, consultation, treatment,  
24 education, care management, and self-management of a patient's  
25 health care while the patient is at the originating site and the health  
26 care provider is at a distant site. Telehealth facilitates patient  
27 self-management and caregiver support for patients and includes  
28 synchronous interactions and asynchronous store and forward  
29 transfers.

30 (b) Prior to the delivery of health care via telehealth, the health  
31 care provider initiating the use of telehealth ~~at the originating site~~  
32 shall inform the patient about the use of telehealth and obtain verbal  
33 or written consent from the patient for the use of telehealth as an

1 acceptable mode of delivering health care services and public  
2 health. The consent shall be documented.

3 (c) Nothing in this section shall preclude a patient from receiving  
4 in-person health care delivery services during a specified course  
5 of health care and treatment after agreeing to receive services via  
6 telehealth.

7 (d) The failure of a health care provider to comply with this  
8 section shall constitute unprofessional conduct. Section 2314 shall  
9 not apply to this section.

10 (e) This section shall not be construed to alter the scope of  
11 practice of any health care provider or authorize the delivery of  
12 health care services in a setting, or in a manner, not otherwise  
13 authorized by law.

14 (f) All laws regarding the confidentiality of health care  
15 information and a patient's rights to his or her medical information  
16 shall apply to telehealth interactions.

17 (g) This section shall not apply to a patient under the jurisdiction  
18 of the Department of Corrections and Rehabilitation or any other  
19 correctional facility.

20 (h) (1) Notwithstanding any other provision of law and for  
21 purposes of this section, the governing body of the hospital whose  
22 patients are receiving the telehealth services may grant privileges  
23 to, and verify and approve credentials for, providers of telehealth  
24 services based on its medical staff recommendations that rely on  
25 information provided by the distant-site hospital or telehealth  
26 entity, as described in Sections 482.12, 482.22, and 485.616 of  
27 Title 42 of the Code of Federal Regulations.

28 (2) By enacting this subdivision, it is the intent of the Legislature  
29 to authorize a hospital to grant privileges to, and verify and approve  
30 credentials for, providers of telehealth services as described in  
31 paragraph (1).

32 (3) For the purposes of this subdivision, "telehealth" shall  
33 include "telemedicine" as the term is referenced in Sections 482.12,  
34 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

35 SEC. 2. This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or safety within  
37 the meaning of Article IV of the Constitution and shall go into  
38 immediate effect. The facts constituting the necessity are:

39 In order to protect the health and safety of the public due to a  
40 lack of access to health care providers in rural and urban medically

1 underserved areas of California, the increasing strain on existing  
2 providers that occurred with the implementation of the federal  
3 Patient Protection and Affordable Care Act, and the assistance that  
4 further implementation of telehealth can provide to help relieve  
5 these burdens, it is necessary for this act to take effect immediately.

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