

**ASSEMBLY BILL**

**No. 250**

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**Introduced by Assembly Member Obernolte**

February 9, 2015

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An act to amend Section 2290.5 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as introduced, Obernolte. Telehealth: marriage and family therapist interns and trainees.

Under existing law, “telehealth” is defined as the mode of delivering health care services and public health via information and communication technologies to facilitate the diagnosis, consultation, treatment, education, care management, and self-management of a patient’s health care while the patient is at the originating site and the health care provider is at a distant site. Existing law requires a health care provider prior to the delivery of health care services via telehealth to inform the patient about the use of telehealth and obtain verbal or written consent from the patient for the use of telehealth. For these purposes, existing law defines a health care provider as a healing arts licensee. Existing law, the Licensed Marriage and Family Therapist Act, provides for the registration of marriage and family therapist interns and regulates marriage and family therapist trainees. Existing law requires applicants for a marriage and family therapist license to complete specified experience subject to certain limitations, including no more than a certain number of hours providing counseling services via telehealth.

This bill, for purposes of the telehealth provisions, would expand the definition of “health care provider” to also include a marriage and family therapist intern and trainee, as specified.

Vote: majority. 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 *both of the following*:

13 (A) A person who is licensed under this division.

14 (B) *A marriage and family therapist intern and trainee, as*  
15 *defined in Section 4980.03, completing supervised experience for*  
16 *licensure pursuant to paragraph (11) of subdivision (a) of Section*  
17 *4980.43.*

18 (4) “Originating site” means a site where a patient is located at  
19 the time health care services are provided via a telecommunications  
20 system or where the asynchronous store and forward service  
21 originates.

22 (5) “Synchronous interaction” means a real-time interaction  
23 between a patient and a health care provider located at a distant  
24 site.

25 (6) “Telehealth” means the mode of delivering health care  
26 services and public health via information and communication  
27 technologies to facilitate the diagnosis, consultation, treatment,  
28 education, care management, and self-management of a patient’s  
29 health care while the patient is at the originating site and the health  
30 care provider is at a distant site. Telehealth facilitates patient  
31 self-management and caregiver support for patients and includes

1 synchronous interactions and asynchronous store and forward  
2 transfers.

3 (b) Prior to the delivery of health care via telehealth, the health  
4 care provider initiating the use of telehealth shall inform the patient  
5 about the use of telehealth and obtain verbal or written consent  
6 from the patient for the use of telehealth as an acceptable mode of  
7 delivering health care services and public health. The consent shall  
8 be documented.

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

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

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

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

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

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

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

1 (3) For the purposes of this subdivision, “telehealth” shall  
2 include “telemedicine” as the term is referenced in Sections 482.12,  
3 482.22, and 485.616 of Title 42 of the Code of Federal Regulations.

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