

Information provided by the  
California Board of Occupational  
Therapy (CBOT)



3/20/2020



#### VISION STATEMENT:

A world where all people  
participate in meaningful  
occupations to optimize their  
life experience.

#### MISSION STATEMENT:

OTAC is the collective voice that  
serves, promotes, and supports  
the profession of occupational  
therapy and its practitioners.



P.O. Box 276567  
Sacramento, CA 95827

3/20/2020

# Telehealth: Allowing Out-of-State Therapists to Provide Services in CA Without A License

## Here is some information to assist you:

### Telehealth

The delivery of occupational therapy services via telehealth is allowed in California. Here is a link to California Code of Regulations Section 4172: [https://www.bot.ca.gov/board\\_activity/laws\\_regs/cc\\_regulations.shtml#4172](https://www.bot.ca.gov/board_activity/laws_regs/cc_regulations.shtml#4172)

Some key take-aways are:

- The patient must consent to the services and the OT practitioner needs document the patients consent in the patient record.
- The practitioner can only provide services that are safe and would not expose a client to potential harm.
- Some complex interventions or treatment may not be appropriate to provide via telehealth.
- The practitioner that would be providing telehealth services to a California Client would need to possess a California license.

### § 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 inform the patient or client about occupational therapy services via telehealth and obtain consent prior to delivering those services, consistent with Section 2290.5 of the Code.
- (c) An occupational therapist shall determine whether an in-person evaluation or in-person interventions are necessary 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) 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) Failure to comply with these regulations shall be considered unprofessional conduct as set forth in the Occupational Therapy Practice Act.

### License Exemption (for Emergency)

The Director of the Emergency Medical Services Authority (EMSA) has finalized the policy to allow out-of-state (OOS) licensees to practice in California, pursuant to Business and Professions Code Section 900. Here is a link to their website and the policy: <https://emsa.ca.gov/covid19/> (scroll down to the Authorization of Out-Of-State Medical Personnel section). Refer all callers to EMSA; CBOT cannot help them.

There may also be questions about the Federal authorization issued by the Health and Human Services which allows also allows OOS licensees to provide services in another state without being licensed in the state their providing services. The Department of Consumer Affairs' (DCA) Legal Office is looking to see its impact, any differences the two, and which authorization supersedes, if there's a conflict. Once this determination is made DCA will notify CBOT and they will let us know the outcome.

Other than what's listed above, there are no exemptions from licensure, other than those set forth in BPC 2570.4.