

*****TO BE RESCINDED*****

3793:2-1-11 Alcohol and drug treatment services provided by interactive videoconferencing.

- (A) For purposes of this rule, interactive videoconferencing means the use of secure, real-time audiovisual communications of such quality as to permit accurate and meaningful interaction between at least two persons, one of which is a treatment professional listed in rule 3793:2-1-08 of the Administrative Code. This expressly excludes telephone calls, images transmitted via facsimile machine, and text messages without visualization of the other person, i.e., electronic mail. Telephone calls are permitted when made for the purpose of case management as defined in paragraph (M) of rule 3793:2-1-08 of the Administrative Code.
- (B) An outpatient treatment program certified by the department of alcohol and drug addiction services may provide treatment service via interactive videoconferencing provided the criteria outlined in the rule are met.
- (C) The following are the treatment services that may be provided via interactive videoconferencing and are considered to be provided on a face-to-face basis in accordance with rule 3793:2-1-08 of the Administrative Code.
 - (1) Case management as defined in paragraph (M) of rule 3793:2-1-08 of the Administrative Code including the provision of this service to authorized individuals other than the client.
 - (2) Group counseling as defined in paragraph (O) of rule 3793:2-1-08 of the Administrative Code. Group counseling utilizing interactive videoconferencing shall be conducted in the following manner:
 - (a) Client to counselor ratio shall not be greater than six to one; and,
 - (b) Participants in the group counseling session must be able to view all other participants in the group counseling session, including the clinician at all time.
 - (3) Individual counseling as defined in paragraph (N) of rule 3793:2-1-08 of the Administrative Code.
- (D) Progress notes as defined in paragraph (M) of rule 3793:2-1-06 of the Administrative Code must include documentation to reflect that the service was conducted via interactive videoconferencing.
- (E) The treatment program must have a written policy and procedure describing how they ensure that staff assisting clients with interactive videoconferencing services or providing treatment services via interactive videoconferencing are fully trained in equipment usage.
- (F) All treatment services provided by interactive videoconferencing shall:
 - (1) Begin with the verification of the client through a name and password or personal identification number when treatment service are being provided with a client (s), and
 - (2) Be provided in accordance with the Health Insurance Portability and Accountability Act (HIPAA) privacy and security rules and 42 C.F.R. Part 2.
- (G) All data, including audio, video, text and presentation material shall be transferred using a minimum of one hundred twenty-eight bit-encryption.
- (H) All treatment services rendered by interactive videoconferencing using the public internet must maintain at a minimum the advanced encryption standard (AES) algorithm or be rendered through the use of a virtual private network (VPN) to ensure the transmission is secure.
- (I) All audio and video must be real time and not store forward.

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- (J) Treatment programs shall have a contingency plan for providing treatment services to clients when technical problems occur during the provision of treatment services via interactive videoconferencing.
- (K) Prior to providing treatment services to a client via interactive videoconferencing, a professional listed in rule 3793:2-1-08 of the Administrative Code shall describe to the client the potential risks associated with receiving treatment services via interactive videoconferencing, provide the client with a written document that describes the potential risks associated with receiving treatment services via interactive videoconferencing and obtain a written acknowledgement, indicated by the client's signature that the client consents to receiving treatment services via interactive videoconferencing. The review must be conducted in person.
- (L) The risks to be communicated to the client pursuant to paragraph (L) of this rule must address at a minimum the following:
 - (1) Clinical aspects of receiving treatment services via interactive videoconferencing.
 - (2) Security considerations when receiving treatment services via interactive videoconferencing; and
 - (3) Confidentiality for individual and group counseling.
- (M) Programs shall maintain, at a minimum, the following local resource information. For purposes of this rule, local means the area where the client indicates they reside and where they are receiving services as indicated in paragraph (O) of this rule.
 - (1) The local suicide prevention hotline if available or national suicide prevention hotline.
 - (2) Contact information for the local police and fire departments.
- (N) Programs shall provide local emergency contact information to each client that consents to receiving treatment services via interactive videoconferencing.
- (O) Programs shall require that the client provide the street address and city where they are receiving services for each counseling session utilizing interactive videoconferencing.
- (P) Programs must be located in Ohio and perform services to individuals who are residents of and are physically in Ohio.