

*****DRAFT - NOT FOR FILING*****

5122-29-31 **Interactive videoconferencing.**

(A) For purposes of this Chapter, 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 certified provider of the service being provided pursuant to chapter 5122-25 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.

Videophone utilized for communication which allow visual interaction with a deaf or hard of hearing person are permitted under interactive videoconferencing.

(B) "Client site" means the location of a client at the time at which the service is furnished via interactive videoconferencing technology. .

(C) "Originating site" means the site where the eligible provider furnishing the service is located at the time the service is rendered via interactive video conferencing technology.

(D) The decision of whether or not to provide initial or occasional in-person sessions shall be based upon client choice, appropriate clinical decision-making, and professional responsibility, including the requirements of professional licensing, registration or credentialing boards.

~~(B)~~ (E) The following are the services that may be provided via interactive videoconferencing and are considered to be provided on a face-to-face:

(1) Counseling and therapy service as defined in rule 5122-29-03 of the Administrative Code;

(2) Assessment service as defined in rule 5122-29-04 of the Administrative Code;

(3) Medical services as defined in rule 5122-29-05 of the Administrative Code; and,

(4) Coordination and support service as defined in rule 5122-29-17 of the Administrative Code.

~~(C)~~ (F) Progress notes as defined in rule 5122-27-04 of the Administrative Code must include documentation to reflect that the service was conducted via interactive videoconferencing.

~~(D)~~ (G) The provider 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.

~~(E)~~ (H) Prior to providing services to a client via interactive videoconferencing, an eligible provider of the service to be provided as listed in rule 5122-29-30 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.

~~(F)~~ (I) The risks to be communicated to the client pursuant to paragraph (H) 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,

*****DRAFT - NOT FOR FILING*****

(3) Confidentiality for individual and group counseling.

~~(G)~~(J) It is the responsibility of the provider to assure contractually that any entity or individuals involved in the transmission of the information guarantee that the confidentiality of the information is protected. When the client chooses to utilize videoconferencing equipment at a client site that is not arranged for by the provider, e.g., at their home or that of a family or friend, the provider is not responsible for any breach of confidentiality caused by individuals present at the client site.

~~(H)~~(K) Providers shall have a contingency plan for providing treatment services to clients when technical problems occur during the provision of services via interactive videoconferencing.

(L) Providers 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 (P) 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.

The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.

(M) For the purposes of meeting the requirements of paragraph (L) of this rule, providers shall require that the client provide the street address and city where they are receiving services prior to the first session utilizing interactive videoconferencing and update the address whenever the client site changes.

~~(M)~~(N) It is the responsibility of the provider to assure that equipment meets standards sufficient to:

(1) Assure confidentiality of communication;

(2) Provide for interactive videoconferencing communication between the practitioner and the client; and

(3) Assure videoconferencing picture and audio are sufficient to assure real-time interaction between the client and the provider and to assure the quality of the service provided.

~~(N)~~(O) The client site must also have a person available who is familiar with the operation of the videoconferencing equipment in the event of a problem with the operation.

If the client chooses to utilize videoconferencing equipment at a client site that is not arranged for by the provider site, e.g., at their home or that of a family or friend, the provider is only responsible for assuring the equipment standards at the originating site.

~~(O)~~(P) All 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.

(Q) Provider must have a physical location in Ohio or have access to a physical location in Ohio where individuals may opt to receive services that are being provided by interactive videoconferencing.

*****DRAFT - NOT FOR FILING*****