



Ohio Rule Updates Supporting Telehealth

Mike DeWine, Governor
Lori Criss, Director

Ohio Department of Mental Health and Addiction Services (OhioMHAS) rule 5122-29-31 was amended to create additional flexibilities in the agency's regulations governing telehealth services. The update to OhioMHAS Ohio Administrative Code section 5122-29-31, *Interactive videoconferencing*, Amended OAC rule 5122-29-31, now entitled "Telehealth," updates and clarifies policies related to the provision of telehealth services.

- The term "interactive videoconferencing" has been replaced with the term "telehealth" throughout the rule in order to be consistent with other agencies and entities referencing this type of service delivery.
- The meaning of telehealth has been more clearly defined. The use of both synchronous and asynchronous modalities for service delivery is allowable. Asynchronous modalities that do not have both audio and video elements are considered telehealth. The rule allows for telehealth delivered using audio methods only.
- The definitions of the sites used in the rule have been updated. The rule now uses "originating" and "distant" site in a consistent manner. The terms "client site" and "originating site" have been replaced with the terms "originating site" and "distant site," respectively, in order to be consistent with how the terms are used by other entities.
- Additional services have been included that may be delivered by telehealth.
- The requirement that clients must have a person available who is familiar with the equipment being used for videoconferencing has been eliminated.
- Initial in-person visit requirements are eliminated as a prerequisite for telehealth service delivery.
- HIPAA confidentiality requirements remain in effect according to federal guidance.
- 42 C.F.R. Part 2 confidentiality requirements remain in effect according to federal guidance.
- New and established patients may be provided services through telehealth.
- Providers must document that clients receiving telehealth services were provided with information regarding the potential risks of receiving services via telehealth and agreed to assume those risks.
- Providers are not required to provide information in written format describing how to access assistance in a crisis.