



## Ohio Administrative Code

### Rule 4757-5-13 Standards of practice and professional conduct: teletherapy.

Effective: June 27, 2022

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(A) Teletherapy means the use of real-time audio or audiovisual communications that permit accurate and meaningful interaction between at least two persons, one of whom is a licensee or registrant ("licensee") as defined in Ohio Revised Code Chapter 4757. For the purposes of this rule, modalities, including but not limited to phone, video, text, email, instant messaging/chat, are considered teletherapy.

(1) All licensees providing counseling, social work or marriage and family therapy via teletherapy to persons physically present in Ohio shall be licensed in Ohio.

(2) All licensees of this board providing services to client(s) outside the state of Ohio shall comply with the laws and rules of the jurisdiction where the client is located at the time services are rendered.

(B) Licensees shall consider their education, training, and experience before providing teletherapy services and provide only services for which they are competent. Licensees shall assume responsibility to continually assess both their professional and technical competence when providing teletherapy.

(C) No initial in person or face to face audiovisual visit is necessary to initiate services using teletherapy modalities.

(D) Licensees shall screen client(s) for appropriateness to receive services via teletherapy throughout the course of treatment, which includes considering their current mental and emotional status, conducive treatment modalities, and ongoing effectiveness of the service. The licensee shall screen the client(s)'s technological capabilities as part of the intake process and document any assistance provided to facilitate access.

(1) Licensee shall regularly review whether use of teletherapy is meeting the clinical needs of the



client(s).

(E) A licensee is under no obligation to provide services via teletherapy if their clinical judgement indicates teletherapy is not an appropriate modality for delivering services to the client(s).

(F) No licensee shall engage in teletherapy while operating a motor vehicle or similar equipment, nor shall any licensee engage in activities during teletherapy that do not allow the licensee to focus on the client(s) or prepare to document session. The licensee should terminate a session if it is determined while in a session the client is engaged in activities that could endanger themselves or others.

(G) A licensee shall not provide teletherapy when either the client or licensee is in a setting where the confidentiality of the session could reasonably be expected to be compromised.

(H) Licensees shall be aware of cultural and developmental differences and how they can affect non-verbal cues. Licensees shall also be aware of audio, visual, and cognitive impairment and the impact of these on the use of teletherapy services. Teletherapy methods should be appropriate to the client and their environment.

(I) Licensees must maintain records in accordance with rule 4757-5-09 of the Administrative Code. Such records must clearly indicate when services are provided through teletherapy.

(J) Licensees shall document all therapeutically relevant communication with client(s)s, to include emails, texts, instant messages, and chat history.

(K) The licensee should ensure that practice or agency staff who are assisting a client(s)s with teletherapy services or providing teletherapy services are adequately trained in the usage of relevant software or equipment.

(L) Licensees are not responsible for client(s) misuse of teletherapy devices during the provision of services.

(M) ) During the initial session, licensees must establish informed consent in accordance with 4757-



5-02(B) of the Administrative Code. Informed consent shall include information defining teletherapy delivery as practiced by the licensee, as well as potential risks, security issues, and confidentiality issue when receiving teletherapy. In the case of a minor client, the licensee must address any potential issues specifically associated with treating minors.

(1) Client(s) shall be given sufficient opportunity to ask questions and receive answers about teletherapy. These discussions should be documented in the client(s) record.

(2) Informed consent should include a discussion of how teletherapy may affect billing and access to insurance benefits.

(3) Licensees shall document permission prior to recording any part of the teletherapy session. If licensees are storing audiovisual records from sessions, these cannot be released to client(s) unless authorization from the client(s) is obtained specifically stating the records are to be released.

(4) Licensees shall not provide services without client(s) informed consent which can be documented through verbal acknowledgement, online signature, or by signing a hard copy form. Licensees must make available to the client a copy of the consent documents regardless of the form of consent by the client.

(5) Licensees shall make available to clients links to websites for all certification bodies and licensure boards to facilitate consumer protection. Licensees shall provide a link to the board online license verification site on their web page.

(6) Licensees shall obtain client(s) consent when conducting web searches to gather information about the client(s), except when searches are of public criminal records/public safety databases prior to an initial session with a client or when such searches may provide information to help protect the licensee, client(s) or other parties who may be at risk.

(7) The licensee shall provide the client(s) information on how to access assistance in a crisis and outside of established business hours.

(N) Licensees shall have a contingency plan for providing services to client(s)s when technical



problems occur during a teletherapy session, or when technical problems prevent a session from occurring. This plan may include information on other qualified therapists who can provide services if needed.

(O) Licensees shall confirm the client(s) location at the time services are rendered.

(P) Licensees shall comply with all requirements under state and federal law regarding the protection of client confidentiality while providing services. Each provider shall ensure that any username or password information and any electronic communications between the provider, client, or third parties are securely transmitted and stored.