



Ohio Administrative Code

Rule 4758-8-04 Codes of ethical practice and professional conduct: telehealth services.

Effective: July 12, 2024

(A) Telehealth means the use of real-time audio or audiovisual communications that permit accurate and meaningful interaction between at least two people, one of whom is a licensee or certificate holder. For the purposes of this rule, modalities, including but not limited to phone, video, text, email, instant messaging/chat, are considered telehealth.

(1) The licensee or certificate holder providing services within their scope of practice via telehealth to persons physically present in Ohio shall be licensed in Ohio.

(2) The licensee or certificate holder providing services to a client 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.

(3) The licensee or certificate holder shall confirm the client's location at the time services are rendered.

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

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

(D) The licensee or certificate holder shall screen each client for appropriateness to receive services via telehealth 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 or certificate holder shall screen each client's technological capabilities as part of the intake process and document any assistance provided to facilitate access.



(1) The licensee or certificate holder shall regularly review whether the use of telehealth is meeting the clinical needs of the client. This review should also occur in clinical supervision of the dependent licensee or certificate holder.

(2) Ongoing review of appropriateness of telehealth to meet the clinical needs of the client should be reviewed in the clinical supervision of the dependent licensee or certificate holder.

(E) The licensee or certificate holder is under no obligation to provide services via telehealth if their clinical judgement indicates telehealth is not an appropriate modality for delivering services to the client.

(F) No licensee or certificate holder shall engage in telehealth services while operating a motor vehicle or similar equipment, nor engage in activities during telehealth that do not allow the licensee or certificate holder to focus on the client or prepare to document session. The licensee or certificate holder 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 or certificate holder shall not provide telehealth when either the client or licensee or certificate holder is in a setting where the confidentiality of the session could reasonably be expected to be compromised.

(H) When using video conferencing for telehealth services, the licensee or certificate holder shall remain on camera throughout the session.

(I) The licensee or certificate holder shall be aware of cultural and developmental differences and how they can affect non-verbal cues. The licensee or certificate holder shall also be aware of audio, visual, and cognitive impairment, and the impact of these on the use of telehealth services. Telehealth methods should be appropriate to the client and their environment.

(J) The licensee or certificate holder must maintain records in accordance with state and federal regulations. Such records must clearly indicate when services are provided through telehealth.



(K) The licensee or certificate holder shall document all relevant communication with clients, to include emails, texts, instant messages, and chat history.

(L) The licensee or certificate holder is not responsible for client misuse of telehealth devices during the provision of services.

(M) During the initial session, the licensee or certificate holder must establish informed consent and shall include information defining telehealth delivery as practiced by the licensee, as well as potential risks, security issues, and confidentiality issues when receiving telehealth. In the case of a minor client, the licensee or certificate holder must address any potential issues specifically associated with treating minors.

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

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

(3) The licensee or certificate holder shall document permission prior to recording any part of the telehealth session. If the licensee or certificate holder is storing audiovisual records from sessions, these cannot be released to the client unless authorization from the client is obtained specifically stating the records are to be released.

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

(5) The licensee or certificate holder shall make available to client access to information for all certification bodies and licensure boards to facilitate consumer protection and include a link to the board online license verification site.

(6) The licensee or certificate holder shall provide to the client information on how to access



assistance in a crisis and outside of established business hours.

(N) The licensee or certificate holder shall have a contingency plan for providing services to client when technical problems occur during a telehealth session, or when technical problems prevent a session from occurring.

(O) The licensee or certificate holder 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.