



## Ohio Administrative Code Rule 5160-4-02 Scope of coverage.

Effective: October 1, 2016

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### (A) Definitions.

(1) "Independent practitioner" is a practitioner who, under Ohio law, may provide professional medical services without supervision.

(2) "Non-independent practitioner" is a practitioner who, under Ohio law, may provide professional medical services only with supervision.

(3) "Supervision" is a collective term encompassing two types of professional oversight:

(a) A practitioner providing direct supervision is present in the practice setting, although not necessarily in the same room, and is immediately available to provide assistance and direction throughout the provision of services. Neither availability by telephone nor presence nearby outside the practice setting constitutes direct supervision.

(b) A practitioner providing general supervision is available, although not necessarily present in the practice setting, to provide assistance and direction throughout the provision of services. A practitioner who is not physically present must be located within a thirty-mile radius of the practice setting and must be immediately available for consultation by telephone.

### (B) Coverage.

(1) Payment may be made for a service provided by a non-independent practitioner under general or direct supervision only if all of the following conditions are met:

(a) The non-independent practitioner functions in one of the following capacities:

(i) An employee of the supervising independent practitioner or of the practice in which the



supervising independent practitioner participates; or

(ii) An independent contractor engaged by the supervising independent practitioner through a written agreement;

(b) The professional control exercised by the supervising independent practitioner or the practice of the supervising independent practitioner is the same for both employees and independent contractors; and

(c) The service was provided in connection with a covered professional service that represents an expense to the practice of the supervising independent practitioner.

(2) Payment may be made for a service provided by a non-independent practitioner under direct supervision only if at least one of the following additional conditions is met:

(a) The supervising independent practitioner personally rendered a professional service to initiate the course of treatment, to which the service performed by the non-independent practitioner is incidental; or

(b) The supervising independent practitioner rendered subsequent services at a frequency indicating continued participation in the management of the course of treatment.

(C) Limitations and exceptions.

(1) Services provided by independent practitioners who are employed by or under contract with another independent practitioner are not subject to the supervision provisions set forth in this rule.

(2) Nothing in this rule constitutes an exemption either from the requirement that services rendered must be within a practitioner's scope of licensure or practice or from any supervision requirement established in law, regulation, statute, or rule.

(3) No separate payment may be made for a professional service provided in a long-term care facility (LTCF), inpatient hospital, outpatient hospital, or hospital emergency department by a non-



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independent practitioner employed by the LTCF or hospital, even if an independent practitioner ordered the service.