



Ohio Administrative Code Rule 5160-4-02 Supervision of professional services.

Effective: September 1, 2021

(A) Definitions that apply to this rule.

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

(2) "Non-independent practitioner" is a practitioner who, under Ohio law, may provide healthcare 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 has the capability to provide immediate consultation by communications device and can travel to the practice setting quickly in case of emergency.

(B) Coverage. Payment may be made to the following practitioners only if the specified services are provided and the indicated conditions are met.

(1) An independent practitioner, for a service provided by a non-independent practitioner under general supervision:

(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 healthcare service that represents an expense to the practice of the supervising independent practitioner.
- (2) An independent practitioner, for a service provided by a non-independent practitioner under direct supervision:
- (a) All of the conditions specified in paragraph (B)(1) of this rule are met; and
 - (b) Either of the following conditions is met:
 - (i) 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
 - (ii) The supervising independent practitioner rendered subsequent services at a frequency indicating continued participation in the management of the course of treatment.
- (C) Constraints and limitations.
- (1) Services provided by an independent practitioner who is 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 fundamental principle that services



rendered are within a practitioner's scope of licensure or practice or from any supervision standard established in law, regulation, statute, or rule.

(3) No separate payment is made for a professional service provided in a nursing facility (NF), skilled nursing facility (SNF), intermediate care facility for individuals with intellectual disabilities (ICFIID), inpatient hospital, outpatient hospital, or hospital emergency department by a non-independent practitioner employed by the facility or hospital, even if an independent practitioner ordered the service.