

TO BE RESCINDED

173-39-02.12 **ODA provider certification: social work or counseling.**

(A) Definitions for this rule:

- (1) "Social work or counseling" (service) means a service to an individual or to an individual's caregiver to promote the individual's physical, social, or emotional well-being; and the development and maintenance of a stable and supportive environment for the individual.
 - (a) "Social work or counseling" includes crisis interventions, grief counseling, and other social work and counseling interventions that support the individual's health and welfare.
 - (b) "Social work or counseling" does not include any of the following:
 - (i) A service provided in place of case management.
 - (ii) A service provided to the individual's authorized representative or caregiver that is unrelated to the individual's well-being.
 - (iii) A service provided if the individual receives a similar service paid (in full or in part) by medicare, state plan medicaid, or another third-party payer.
- (2) "E.passport" has the same meaning as in section 4732.40 of the Revised Code.

(B) Requirements for a provider of social work or counseling:

- (1) General requirements: The provider is subject to rule 173-39-02 of the Administrative Code.
- (2) Venue: The provider shall provide this service in the individual's home, or by telephone or video conference as permitted by the licensing board for the licensed healthcare professional providing this service or the state medical board if the licensed healthcare professional is an advanced practice RN designated as a clinical nurse practitioner (CNP) or clinical nurse specialist (CNS) and certified as a psychiatric-mental health CNP or CNS by the American nurses credentialing center.
- (3) Assessment:
 - (a) The provider shall assess each individual, including the individual's psychosocial, financial, and environmental statuses.

- (b) The provider shall provide the case manager with the assessment report no later than fourteen days after the provider completes the assessment.

(4) Treatment plan:

- (a) With the assistance of the individual, caregiver, and case manager, the provider shall develop and revise, as necessary, a treatment plan that recommends a method of treatment and number of sessions.
- (b) The provider shall provide the case manager with the treatment plan no later than fourteen days after the provider completes the assessment.
- (c) The provider shall offer the individual the treatment plan no later than fourteen days after the provider completes the assessment, unless there are clinical indications against providing the individual with the treatment plan. If the individual declines to receive the treatment plan, the provider shall retain a record that the provider offered to provide the individual with the treatment plan, but that the individual declined.
- (d) The provider shall implement the treatment plan.

(5) Provider qualifications: No person shall provide the service unless the person is employed by a provider that ODA certifies as an agency provider, or unless ODA certifies the person as a non-agency provider.

(a) Agency provider:

- (i) An agency provider shall assure that the agency's direct-care staff includes a licensed professional clinical counselor (LPCC), a licensed professional counselor (LPC), a licensed psychologist or a licensed psychologist with an e.passport, an independent marriage and family therapist (IMFT), a marriage and family therapist (MFT), a licensed independent social worker (LISW), or a licensed social worker (LSW).
- (ii) No employee shall provide the service under the employment of the agency provider unless the individual is a LPCC, LPC, a licensed psychologist or a licensed psychologist with an e.passport, IMFT, MFT, LISW, LSW, or an advanced practice RN designated as a CNP or CNS and certified as a psychiatric-mental health CNP or CNS by the American nurses credentialing center.
- (iii) The provider shall retain records to show that each social work or counseling staff member holds a license in good standing with their

respective Ohio professional licensure board or an e.passport, and has at least one year of social work or counseling experience.

(b) Non-agency provider:

- (i) No person shall provide the service as a non-agency provider unless the person is an IMFT, LPCC, licensed psychologist or a licensed psychologist with an e.passport, LISW, or an advanced practice RN designated as a CNP or CNS and certified as a psychiatric-mental health CNP or CNS by the American nurses credentialing center.
- (ii) The provider shall retain records to show that the provider holds a license in good standing with their Ohio professional licensure board or an e.passport, and has at least one year of social work or counseling experience.

(6) Service verification:

(a) For each session, the provider shall retain a record of all the following:

- (i) Individual's name.
- (ii) Date of service.
- (iii) Time of day each session begins and ends.
- (iv) Name of staff member providing social work or counseling to the individual or the individual's caregiver (if an agency provider).
- (v) A unique identifier of the individual.

(b) The provider may use an electronic system to collect or retain the records required under this rule.

(C) Unit and rate:

- (1) A unit of a social work or counseling is fifteen minutes of session time with the individual.
- (2) The appendix to rule 5160-1-06.1 of the Administrative Code establishes the maximum rate allowed for a unit of social work or counseling provided through the PASSPORT program.

- (3) Rule 5160-31-07 of the Administrative Code establishes the rate-setting methodology for social work or counseling provided through the PASSPORT program.

Effective:

Five Year Review (FYR) Dates: 1/4/2024

Certification

Date

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