

5122-29-03

**Behavioral health counseling and therapy service.**

- (A) Behavioral health counseling and therapy service means interaction with a person served in which the focus is on treatment of the person's mental illness or emotional disturbance. When the person served is a child or adolescent, the interaction may also be with the family members and/or parent, guardian and significant others when the intended outcome is improved functioning of the child or adolescent and when such interventions are part of the ISP.
- (B) Behavioral health counseling and therapy service shall consist of a series of time-limited, structured sessions that work toward the attainment of mutually defined goals as identified in the ISP.
- (C) Behavioral health counseling and therapy service shall be provided by staff qualified according to paragraph (G) of this rule.
- (D) Behavioral health counseling and therapy service may be provided in the agency or in the natural environment of the person served, and regardless of the location shall be provided in such a way as to ensure privacy.
- (E) For behavioral health counseling and therapy services for children and adolescents, the agency shall ensure timely collateral contacts with family members, parents or guardian and/or with other agencies or providers providing services to the child/adolescent.
- (F) The following shall apply with regard to the use of interactive videoconferencing. Interactive videoconferencing is defined in Chapter 5122-24 of the Administrative Code:
- (1) "Client Site" means the location of a client at the time at which the service is furnished via interactive videoconferencing technology. ~~The client site shall be a community mental health agency, the office of a physician or practitioner, a hospital, a critical access hospital, a rural health clinic, a federally qualified health center, county department of job and family services site, or a school.~~
  - (2) "Provider Site" means the site where the eligible practitioner furnishing the service is located at the time the service is rendered via interactive video conferencing technology. ~~The provider site may be a community mental health agency, the office of a physician or practitioner, a hospital, a critical access hospital, a rural health clinic, a federally qualified health center, county department of job and family services site, or a school.~~
  - (3) The agency shall obtain from the client/parent/legal guardian, signed, written

consent for the use of videoconferencing technology.

- ~~(3)~~ A practitioner may only provide an ongoing service via interactive videoconferencing technology when he or she has already provided the same service to the same client in person, except for temporary practitioner absences of up to thirty days.
- ~~(4)~~ The number of in-person sessions shall be mutually agreed upon by the practitioner and the client/parent/legal guardian, as established in the ISP, but shall occur at least annually.
- ~~(5)~~<sup>(4)</sup> It is the responsibility of the agency to assure contractually that any entity or individuals involved in the transmission of the information guarantee that the confidentiality of the information is protected. When the client chooses to utilize videoconferencing equipment at a client site that is not arranged for by the agency, e.g., at his/her home or that of a family or friend, the agency is not responsible for any breach of confidentiality caused by individuals present at the client site.
- ~~(6)~~ The agency shall obtain from the client/parent/legal guardian, signed, written consent for the use of videoconferencing technology.
- ~~(7)~~<sup>(5)</sup> To assure immediate access to clinical support for the client there must be a separate telephone link between the client and the provider sites. Such clinical support must be provided by an individual eligible to provide the service as defined in this rule. The agency shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.
- ~~(8)~~<sup>(6)</sup> It is the responsibility of the agency to assure that equipment meets standards sufficient to:
- (a) Assure confidentiality of communication;
  - (b) Provide for interactive videoconferencing communication between the practitioner and the client; and
  - (c) Assure videoconferencing picture and audio are sufficient to assure real-time interaction between the client ~~consumer~~ and the provider and to assure the quality of the service provided.
  - (d) The client site must also have a person available who is familiar with the operation of the videoconferencing equipment in the event of a problem with the operation.

- (e) If the client chooses to utilize videoconferencing equipment at a client site that is not arranged for by the agency, e.g., at his/her home or that of a family or friend, the agency is only responsible for assuring the equipment standards at the provider site.
- (7) The decision of whether or not to provide initial or occasional in-person sessions shall be based upon client choice, appropriate clinical decision-making, and professional responsibility, including the requirements of professional licensing, registration or credentialing boards.
- ~~(9) The provisions contained in this paragraph will terminate two years from the effective date of this rule in order to review and make revisions to them, if necessary.~~
- (G) The following identifies those individuals who are eligible to provide and supervise the behavioral health counseling and therapy service. Licensed, certified or registered individuals shall comply with current, applicable scope of practice and supervisory requirements identified by appropriate licensing, certifying, or registering bodies:
- (1) To provide the service:
    - (a) Medical doctor or doctor of osteopathic medicine;
    - (b) Registered nurse;
    - (c) Master of science in nursing;
    - (d) Clinical nurse specialist;
    - (e) Nurse practitioner;
    - (f) Social worker trainee;
    - (g) Social worker;
    - (h) Independent social worker;
    - (i) Counselor trainee;
    - (j) Professional counselor;

(k) Professional clinical counselor;

(l) Psychology intern/fellow;

(m) Psychology assistant/assistant; or

(n) Psychologist.

(2) To supervise the service:

(a) Medical doctor or doctor of osteopathic medicine;

(b) Master of science in nursing;

(c) Clinical nurse specialist;

(d) Nurse practitioner;

(e) Independent social worker;

(f) Professional clinical counselor; or

(g) Psychologist.

Effective:

R.C. 119.032 review dates: 09/27/2007

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5119.22, 5119.61(A), 5119.611(C)  
Rule Amplifies: 5119.22, 5119.61(A), 5119.611(C)  
Prior Effective Dates: 1/1/1991, 7/15/01, 3/25/04, 12/15/05, 8/23/07