

TO BE RESCINDED

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. .
 - (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.
 - (3) The agency shall obtain from the client/parent/legal guardian, signed, written consent for the use of videoconferencing technology.
 - (4) 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.

- (5) The agency shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure.
 - (6) 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 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.
- (G) Behavioral health counseling and therapy service shall be provided and supervised by staff who are qualified according to rule 5122-29-30 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 04/14/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5119.36
Rule Amplifies: 5119.36
Prior Effective Dates: 1/1/1991, 7/15/2001, 3/25/2004, 12/15/2005,
8/23/2007, 12/13/2007, 7/1/2009