

4734-8-10

**Telehealth.**

- (A) In accordance with section 4743.09 (A)(6) of the Revised Code, telehealth services means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:
- (1) The patient receiving the services;
  - (2) Another health care professional with whom the provider of their services is consulting regarding the patient.
- (B) A health care provider may use synchronous or asynchronous technology to provide telehealth services to a patient if the appropriate standard of care is satisfied.
- (1) "Synchronous communication technology" means audio and/or video technology that permits two-way, interactive, real-time electronic communication between the health care professional and the patient or between the health care professional and the consulting health care professional regarding the patient.
  - (2) "Asynchronous communication technology" also called store and forward technology, has the same meaning as asynchronous store and forward technologies as that term is defined in 42 C.F.R. 410.78 (effective January 1, 2022).
- (C) In accordance with section 4743.09 (A)(3)(g) of the Revised Code, a chiropractor licensed under chapter 4734 of the Revised Code is a health care professional and may provide telehealth services.
- (D) Unlicensed personnel are not defined as health care professionals under section 4734.09 of the Revised Code. A licensee shall not delegate telehealth services to unlicensed personnel.
- (E) Provided that the standard of care for an in-person visit can be met for the patient and the patient's medical condition through the use of the technology selected, each licensee that performs telehealth services must comply with the provisions outlined in chapter 4734 of the Revised Code and chapter 4734 of the Administrative Code. The following provisions additionally apply to telehealth services:
- (1) The licensee providing telehealth services must have an active Ohio license to practice chiropractic in the state of Ohio.

- (2) The licensee must communicate their first and last name and ensure the patient understands their licensure status as a chiropractor prior to rendering telehealth services to the patient.
- (3) The patient receiving telehealth services must be located within the state of Ohio. The licensee must verify the identity and physical location of the patient at the beginning of each telehealth visit.
- (4) Consent to receive telehealth services must be documented in the medical record or signed authorization of the patient or, if applicable, the patient's parent, guardian, or person designated under the patient's health care power of attorney.
- (5) The standard of care for a telehealth visit is the same as the standard of care for an in-person visit. If a licensee determines at any time during the provision of telehealth services that a telehealth visit will not meet the standard of care for the medical condition of the patient, or if additional in-person care is necessary, the licensee must schedule the patient for an in-person visit and conduct that visit within an amount of time that is appropriate for the patient and condition presented. If the patient needs emergency care, the licensee must help the patient identify the closest emergency room.
- (6) A licensee must provide telehealth services in a manner that complies with all requirements under state and federal law regarding the protection of patient information. The licensee must ensure that any user name or password information and any electronic communication between the licensee and the patient is securely transmitted and stored. Photographs or video images that are visualized by a telecommunications system must be both specific to the patient's medical condition and sufficient for furnishing or confirming a diagnosis and/or a treatment plan.
- (7) In accordance with section 3902.30 of the Revised Code, a licensee may not charge a patient or a health plan insurer covering telehealth services a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.
- (8) A licensee providing telehealth services may charge a health plan issuer for durable medical equipment used at the patient site.
- (9) A licensee may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred providing telehealth services so long as a patient is not responsible for any portion of the fee.

(10) The licensee providing telehealth services must obtain the patient's consent before billing for the cost of providing the services, but the requirement to do so only applies once.

(11) A licensee may deny a patient telehealth services and require the patient to undergo an in-person visit.

(F) Nothing in this rule will prohibit an individual who is licensed as a chiropractor in a state other than Ohio from performing telehealth services for patients outside of Ohio if such telehealth services are permitted by:

(1) The laws of the state in which the individual has been authorized to practice chiropractic and,

(2) The location where the patient is located.

Effective: 9/2/2023

Five Year Review (FYR) Dates: 09/02/2028

CERTIFIED ELECTRONICALLY

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Certification

08/23/2023

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Date

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