



State Medical Board of
Ohio

Telehealth in Ohio

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State Medical Board of Ohio

New telehealth law

The Ohio General Assembly passed Substitute House Bill 122 on December 9, 2021 which established new laws that expanded telehealth provided to patients located in Ohio.

When did the law become effective?

The statute was signed by Governor DeWine on December 22, 2021. The law became effective on March 23, 2022.

New telehealth law and rules

New telehealth law states telehealth requirements and authorizes health care professional licensing boards to make rules necessary to implement the law.



New law defines telehealth as:

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:

- (a) The patient receiving the services;
- (b) Another health care professional with whom the provider of the services is consulting regarding the patient.

R.C. 4743.09(A).

Who can provide telehealth to patients located in Ohio?

A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

Other licensed health care professionals authorized to provide telehealth include:

- Physician Assistant
- Advanced Practice Registered Nurse
- Optometrist
- Pharmacist

More licensed health professionals authorized to provide telehealth

Dietitian

Chiropractor

Respiratory Care Professional

Occupational Therapist or Physical
Therapist

Genetic Counselor

Audiologist/speech-language Pathologist

Psychologist/school Psychologist

Various Counselors, Therapists, Social
Workers, and Certified Behavior Analysts

Ohio Licensure

- Must be licensed in Ohio to provide telehealth services to a patient located in Ohio during the provision of the telehealth services.

Scope of Practice

- Telehealth services provided must be within the health care professional's scope of practice.

Statutory requirements to provide telehealth to patients located in Ohio

Another telehealth requirement — follow the standard of care:

The statute requires that the standard of care for telehealth is the same as the standard of care for in-person services

The Medical Board and other healthcare professional licensing boards are authorized to establish rules regarding standard of care and this requirement that the standard of care be the same for telehealth and in-person services.

R.C. 4743.09(B)(2)



Standard of care (continued)

A health care professional may deny a patient telehealth services and, instead require the patient to undergo an inpatient visit.

R.C. 4743.09(C)(2)

Securing Patient Information and Communications



Health care professionals are required to comply with state and federal law regarding the protection of patient information, including ensuring that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

R.C. 4743.09(C)(3)

Technology



A healthcare professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit and an annual visit if the standard of care is satisfied.

R.C. 4743.09(C)(1),(4)

Prescribing- Schedule II Controlled Substances

A health care professional licensing board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements.

R.C. 4743.09(B)(2)(b)

Remote Monitoring

New telehealth law allows a physician, PA, or APRN to provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.

R.C. 4743. 09(C)(5)

Exceptions to initial in-person visit requirements:

A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation.

R.C. 4743.09(B)(2)(c)

Other parts of new telehealth law specific to certain services, programs, or payors

R.C. 3902.30 Insurance

- Coverage for telehealth services

R.C. 5119.368 Department of Mental Health and Addiction Services

- Telehealth services

R.C. 5164.95 Medicaid State Plan Services

- Standards for payments of telehealth services; eligible practitioners

Medical Board telehealth rules

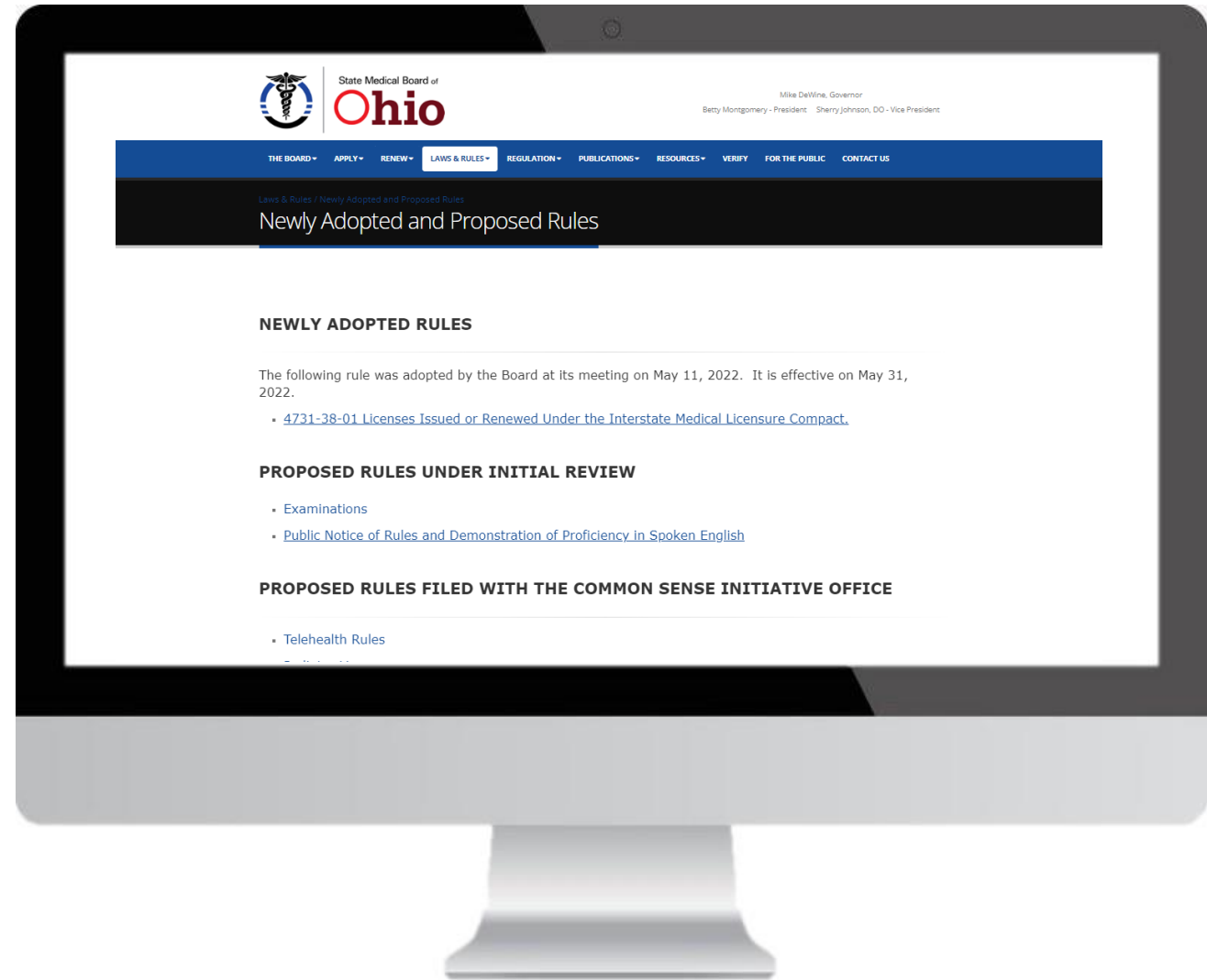
The Medical Board has engaged in an extensive outreach effort to licensees and interested parties to get input on its telehealth rules. The Board has received over 70 comments. Many of these comments have resulted in improvements to the draft proposed rules. Medical Board telehealth rules will provide telehealth requirements for physicians, physician assistants, dietitians, respiratory care professionals, and genetic counselors.

Rulemaking process for telehealth rules

- Initial circulation – Done
- CSI Review – Pending**
- File proposed rules with Joint Committee on Agency Rule Review (JCARR)
- Public hearing – opportunity for comments
- JCARR hearing – opportunity for comments
- Medical Board approval



To review proposed telehealth rules and follow their progress visit the website.



med.ohio.gov/Laws-Rules/Newly-Adopted-and-Proposed-Rules

Duty to Report

Licensees have a personal duty to report to the State Medical Board of Ohio when they believe an individual licensed by the Board has violated the Board's laws or rules including **sexual misconduct, impairment, practice below the minimal standards of care, and improper prescribing of controlled substances.**

Reports of misconduct to supervisors, law enforcement or health care system management do **NOT** fulfill the duty to report to the Board; failure to report could result in formal disciplinary action.





Questions?

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