



Ohio Administrative Code Rule 4725-25-01 Telehealth communication.

Effective: July 2, 2023

(A) In this chapter, the following terms have the meaning indicated:

(1) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional licensed in Ohio, within the professional's scope of practice, who is located at a site other than the site where the patient is receiving the services or the site where another health care professional with whom the provider of the services is formally consulting regarding the patient is located.

(2) "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.

(3) "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).

(4) "Remote monitoring device" means a medical device cleared, approved, or authorized by the United States food and drug administration for the specific purpose which the health care professional is using it and which reliably transmits data electronically and automatically.

(5) "Health care professional" means an optometrist licensed under Chapter 4725 of the Revised Code.

(6) "Consent for telehealth treatment" means a process of communication between a patient or, if applicable, the patient's legal representative and the health care professional discussing the risks and benefits of, and alternatives to, treatment through a remote evaluation that results in the agreement to treatment that is documented in the medical record or signed authorization for the patient to be



treated through an evaluation conducted through appropriate technology, as specified in this rule, when the health care professional is in a location remote from the patient.

(7) "Formal consultation" means when a health care professional seeks the professional opinion of another health care professional regarding the diagnosis or treatment recommended for the patient's medical condition presented, transfers the relevant portions of the patient's medical record to the consulting health care professional, and documents the formal consultation in the patient's medical record.

(8) "Health care facility" means a hospital; clinic; office of a health care professional, associated group of health care professionals, or associated group of health care professionals, and individuals licensed under Chapter 4731 and 4725 of the Revised Code; training institution for health care professionals; and a free clinic or other nonprofit shelter or health care facility.

(9) "Remote Site" means the location where a health care professional provides health care services through a telehealth system.

(10) "Originating site" means the location where a patient receives health care services through a telehealth system.

(11) "Ocular Health Emergency" is a serious, unexpected and potentially dangerous situation requiring immediate action for an infection, sudden threat of vision loss, or is potentially life threatening.

(B) A health care professional may provide telehealth services to a patient located in a health care facility in this state. The health care professional shall comply with all of the following requirements:

(1) The standard of care for a telehealth visit is the same as the standard of care for an in-person visit.

(2) The health care professional shall follow all standard of care requirements which include but are not limited to the standard of care requirements in paragraph (C) of this rule.

(3) The health care professional may provide the telehealth services through the use of synchronous



or asynchronous communication technology 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. Telephone calls, as a synchronous communication technology, may only be used for telehealth services when all of the elements of a bona fide health care visit meeting the standard of care are performed. Telephone calls that are routine or simply involve communication of information do not constitute a telehealth service.

(4) That in the absence of an existing doctor-patient relationship, a health care professional shall not provide telehealth services which offer a prescription for glasses or contact lenses without including all the elements of a comprehensive eye exam; however, such doctor-patient relationship may be established by telehealth protocols.

(5) If a patient is experiencing a potential ocular health emergency, a health care professional may provide telehealth services to that patient regardless of where the patient is located.

(6) If a health care professional 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 health care professional shall see the patient in-person within a reasonable timeframe or make the appropriate referral to another health care professional to meet the standard of care.

(a) If the patient needs emergency care, the health care professional shall assist the patient in obtaining emergency care by doing one of the following:

(i) If the patient is experiencing an ocular health emergency, alert a health care professional located at the originating site to assist, if available;

(ii) If the patient is able to safely travel or be transported to the emergency department without emergency transport services, help the patient identify the closest emergency department and, if necessary, in the health care professional's discretion, provide notification to the emergency department of the patient's potential arrival;

(iii) If the patient is unable to safely travel or be transported to the emergency department without



emergency transport services, advise the patient to call 911 and remain on the videoconference, telephone, or other synchronous communication technology with the patient; or

(iv) If patient is incapacitated, call for emergency services and remain on the videoconference, telephone, or other synchronous communication technology with the patient.

(b) The health care professional shall document the in-person visit or the referral in the patient's medical record.

(c) All referrals shall be made in an amount of time that is appropriate for that patient and their condition presented.

(C) A health care professional shall comply with all of the following administrative requirements to provide telehealth services to a patient which meet the standard of care including, but not limited to:

(1) The health care professional shall verify the patient's identity and physical location in Ohio, and communicate the health care professional's name and type of active Ohio license held to the patient if the health care professional has not previously treated the patient. This may be done verbally as long as it is documented by the health care professional in the patient's medical record.

(2) The health care professional shall document the consent for telehealth treatment of the patient or, if applicable, the patient's legal representative;

(3) The health care professional shall provide the telehealth services in a manner that complies with the privacy and security requirements for the patient and their protected health information required by the law of this state and federal law. Also, the health care professional shall ensure that any username or password information and any electronic communications between the health care professional and the patient are securely transmitted and stored;

(4) The health care professional may forward the medical record to the patient's primary care provider, other health care provider, or to an appropriate health care provider to whom the patient is referred as provided in paragraph (B)(4) of this rule;



(5) The health care professional shall maintain a copy of the patient's medical record at the remote site and the originating site and make the medical record of the visit available to the patient or if applicable, the patient's legal representative, upon request.

(6) The health care professional shall ensure that any ancillary personnel involved the provision of telehealth services and/or located at the originating site be properly supervised in accordance with the provisions of 4725-5-18.

(7) The health care professional shall have access to a health care facility in the state to provide in-person care to a patient, if necessary.

(8) The health care professional shall ensure that any equipment utilized during the provision of telehealth services is maintained in appropriate operational status to provide appropriate quality of services.

(9)

(D) A health care professional shall comply with all of the following clinical requirements necessary to provide telehealth services to a patient which meet the standard of care including, but not limited to:

(1) The health care professional shall, through interaction with the patient, complete a medical evaluation that is appropriate for the patient and the condition with which the patient presents and that meets the minimal standards of care for an in-person visit;

(2) The health care professional shall establish or confirm, as applicable, a diagnosis and treatment plan. The diagnosis and treatment plan shall include the identification of any underlying conditions or contraindications to the recommended treatment;

(3) The health care professional shall promptly document in the patient's medical record the patient's or, if applicable, the patient's legal representative, consent for telehealth treatment, pertinent history, evaluation, diagnosis, treatment plan, underlying conditions, any contraindications, and any referrals to appropriate health care providers, including primary care providers or health care facilities;



(4) The health care professional shall provide appropriate follow-up care or recommend follow-up care with the patient's primary care provider, other appropriate health care provider, or health care facility in accordance with the minimal standards of care;

(E) A health care professional shall comply with the following requirements to provide telehealth services that involve a formal consultation with another health care professional:

(1) The health care professional who seeks a formal consultation shall document the acknowledgement of the patient or if applicable, the patient's legal representative, before seeking the telehealth services formal consultation with the consulting health care professional;

(2) The consulting health care professional shall meet the licensure or certification requirements in division (C) of section 4743.09 of the Revised Code; and

(3) The health care professional who seeks a formal consultation shall send the medical records relevant to the patient's medical condition to the consulting health care professional who shall review the medical records of the patient relevant to the medical condition which is the subject of the consultation before the formal consultation occurs, unless this is not possible due to an emergency situation.

(F) While providing telehealth services, a health care professional may only prescribe, personally furnish, otherwise provide, or cause to be provided a prescription drug that is not a controlled substance to a patient through the provision of telehealth services by complying with all requirements of this rule;

(G) A health care professional may provide telehealth services through the use of remote monitoring devices for the purpose of data acquisition, patient communication, confirmation of expected therapeutic results, confirmation of stability/or homeostasis, and assessing changes in previously diagnosed chronic conditions, provided that:

(1) The patient or, if applicable, the patient's legal representative, gives consent to the use of remote monitoring devices;



(2) The medical devices that enable remote monitoring have been cleared, approved, or authorized by the United States food and drug administration for the specific purpose for which the physician or physician assistant are using it for the patient, and the remote monitoring devices otherwise comply with all federal requirements.