



COVID-19 Update: OMHAS issues emergency telemedicine rule

March 20, 2020

On March 20, 2020, the Ohio Department of Mental Health and Addiction Services (OHMAS) issued an [emergency rule](#) to expand access to medical and behavioral health services via telehealth.

The emergency rule authorizes providers to furnish behavioral health services:

- using asynchronous activities that do not have both audio and video elements, including telephone calls, images, transmitted via facsimile machine and email, in addition to via interactive videoconferencing, which was the only method permitted under the non-emergency rule
- for both new and established patients
- without an initial face-to-face visit

In particular, the emergency rule specifies that requirements for initial face-to-face visits to establish services via telehealth are suspended for general services and intensive home-based treatment services.

In addition to general services, community psychiatric supportive treatment (CPST) services, therapeutic behavioral services and psychosocial rehabilitation services, which can already be provided under the non-emergency rule when furnished via interactive videoconferencing, the emergency rule expands the types of services that may be furnished via telehealth, adding:

- peer recovery services
- substance use disorder (SUD) case management services
- crisis intervention services

- assertive community treatment services
- intensive home-based treatment services

Prior to providing telehealth services, eligible providers must describe to the client the risks associated with receiving services via telehealth and document that the client was provided and agreed to assume those risks. In addition, providers are responsible, **to the extent possible**, to assure that (1) any individual or entity involved in the transmission of information maintains confidentiality, and (2) equipment meets standards sufficient to assure confidentiality.

All behavioral health telehealth services must still begin with verification of the client through a name and password or personal identification number. However, the emergency rule relaxes HIPAA requirements, which must be met only **to the extent possible** in accordance with the Office for Civil Rights' recent [notification of enforcement](#) discretion during the COVID-19 nationwide public health emergency and the 42 CFR, Part 2 Substance Abuse Confidentiality rules and any later notice or guidance from the Substance Abuse and Mental Health Services Administration (SAMHSA) during the COVID-19 nationwide public health emergency.

OMHAS also issued [guidance for opioid treatment programs](#) during the COVID-19 pandemic.

Authors

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