Updated April 6, 2020 - Jurisdictional issues impacting the practice of MFT (practice across state lines)

• May an LMFT licensed in another jurisdiction provide electronic therapy to an individual located in Minnesota?

Yes; Effective April 6, 2020, the Office of MN Governor Tim Walz issued Executive Order 20-28 authorizing the practice of telehealth in MN by an LMFT licensed in another jurisdiction. The Governor’s Order states:

Pursuant to Minnesota Statutes 2019, section 12.42, I authorize and request out-of-state mental healthcare providers who hold a current license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications and competencies for licensees to render aid involving those skills in Minnesota by telehealth to meet the needs of this emergency. This authorization and request applies only to providers who would otherwise be required to obtain a license from one or more of the following Minnesota health-related licensing boards: Psychology, Social Work, Marriage and Family Therapy, and Behavioral Health and Therapy. Before rendering any such aid in Minnesota, such providers must (a) complete the registration form required by the appropriate Minnesota health-related licensing board stating their intention to render aid and providing a copy of their license, certificate, or other permit in good standing to render such aid in another state or the District of Columbia, and (b) receive from the appropriate Minnesota health-related licensing board an acknowledgment of receipt of the registration form. By rendering such aid in Minnesota, such out-of-state healthcare providers submit to the jurisdiction of the Minnesota health-related licensing and regulatory boards. The relevant board may revoke a provider’s authorization to practice under this Executive Order at the board’s discretion. [Emphasis added.]

Prior to commencing to provide telehealth services in Minnesota, an LMFT licensed in another jurisdiction must submit the required Registration Form and copy of current health license and photo ID to the MN Board of MFT. Once the out-of-state-licensed LMFT receives this Board’s email acknowledgement that the Registration Form and required documents were received, s/he may begin to provide telehealth services to MN residents. The ability to provide telehealth services in Minnesota ends when the MN peacetime state of emergency ends or is rescinded by proper authority, or if revoked by the MN Board of MFT. Extension of the ability to practice telehealth in MN after the expiration of the peacetime emergency is not possible under MN law; the LMFT would need to apply for MN licensure in order to provide telehealth services.
• May a MN LMFT provide electronic therapy to a client located in another state?

Perhaps; a growing number of states have issued emergency orders, similar to Minnesota’s Executive Order 20-28, allowing the practice of telehealth by health professionals licensed in another jurisdiction or may have already had guest/temporary practice statutes in place. Each state may have different requirements to participate (such as registering with a specific office in that state prior to engaging in telehealth, etc.). Therefore, a MN LMFT may be able to provide services in another jurisdiction, absent licensure, if the state has an emergency order or statute authorizing such practice and the LMFT meets the Order’s requirements.