COVID-19: ISSUES IMPACTING MFT LICENSURE, PRACTICE AND BOARD OPERATIONS

April 1, 2020 (Updated April 6, 2020)

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Electronic Supervision of post-graduate applicants/LAMFTs seeking LMFT licensure

- May an applicant for licensure/LAMFT log electronic supervision hours in excess of the 50 hours authorized by rule?

Minnesota Rule 5300.0150 and 5300.0155 govern post-graduate, supervised experience requirements. These rules authorize up to 25% of required supervision (50 hours) may be obtained electronically. Effective March 27, 2020, the Board removed this 25% limitation and authorizes synchronous electronic supervision may occur without limitation through December 31, 2020, or the expiration of Minnesota’s peacetime emergency status, whichever occurs first. Applicants for licensure/LAMFTs must continue to receive regular supervision from an LMFT Board-approved supervisor sufficient to insure public protection.
Limitation on logging no more than 100 supervision hours in a 12-month period

- During the COVID-19 pandemic/MN peacetime emergency, may an applicant for licensure/LAMFT log more than 100 supervision hours in a 12-month period?

No; the Board affirmed that the Minnesota Rule 5300.0150 and 5300.0155 limitation on logging no more than 100 supervision hours in a 12-month period remains in place. This limit exists to ensure that supervision remains regular and consistent throughout the post-graduate supervised experience, so an applicant does not “front-load” or “back-load” supervision hours. The Board recognizes that increased supervision of applicants/LAMFTs will likely be necessary to insure public protection as these individual transition to an electronic therapy clinical practice. The 100-hour supervision limitation in no way requires supervision be decreased or eliminated should an applicant/LAMFT reach this limit. Instead, the rule only requires that supervision hours received in excess of 100 hours in a 12-month period cannot be logged toward meeting the 200-hour supervision minimum requirement for LMFT licensure.
Supervision by a non-LMFT Board approved supervisor

- May an applicant for licensure/LAMFT provide MFT services without supervision of an LMFT Board-approved supervisor during the COVID-19 pandemic?

No; The MN Board of MFT recognizes the work of all behavioral health professionals in Minnesota has been impacted by the COVID-19 pandemic and peacetime emergency declaration, including the supervisory services provided by its LMFT Board-approved supervisors. However, by eliminating the limitation on electronic supervision hours, the Board now makes available to applicants for licensure/LAMFTs the supervisory services of any LMFT Board-approved supervisor in Minnesota and reaffirms that supervision by an LMFT Board-approved supervisor must be in place if an applicant/LAMFT is providing marriage and family therapy services to clients. LMFT Board-approved supervisors unable to provide electronic supervision during the COVID-19 pandemic are directed to assist supervisees in obtaining new Board-approved supervision in a timely manner and are encouraged to confer with the new Board-approved supervisor at time of transition.
Graduate Practicum Issues

• May a graduate practicum student provide electronic therapy, under appropriate supervision, and log such hours in meeting MN’s educational requirements for LMFT licensure:

The MN MFT Practice Act and Minn. Rule 5300 do not mandate in-person clinical contact for graduate practicum hours. Such a requirement may be in place due to COAMFTE accreditation standards and/or graduate program requirements, but MFT educational requirements for licensure do not prohibit electronic therapy. The decision whether to allow a practicum student to provide electronic therapy rests with the graduate program. The Board will accept a practicum experience as meeting educational requirements without regard for whether clinical contact was in-person or electronic.

• May a practicum student’s required LMFT supervision and/or on-site mental health professional supervision be provided electronically?

The MN MFT Practice Act and Minn. Rule 5300 are silent as to the method of supervision of practicum students. In-person supervision requirements may be in place due to COAMFTE accreditation standards and/or graduate program requirements, but MFT educational requirements for licensure do not prohibit electronic supervision. The decision whether to allow a practicum student to receive electronic supervision rests with the graduate program. The Board will accept a practicum experience as meeting educational requirements for licensure without regard for method of supervision.

• May a practicum student log less than the minimum required practicum hours, due to practice-related restrictions arising from COVID-19, and still be found to meet MN’s educational requirements for LMFT licensure?

A graduate program may alter its graduation standards/program requirements due to COVID-19-related issues. The Board cannot require any graduate program or accrediting entity (such as COAMFTE) to alter a graduate program standard.

An individual awarded a COAMFTE-accredited degree is deemed to have met MN educational requirements for LMFT licensure pursuant to Minn. Stat. 148B.33, subd. 5(1). Therefore, the number of practicum hours actually logged is not subject to Board review.
For degrees where the Board must determine equivalence, the practicum standard is: “at least 300 hours of clinical client contact including assessment, diagnosis, and treatment of individuals, couples, and families. Of the 300 hours, at least 150 hours must be with couples, families, or similar relational groups. This clinical experience must be supervised on site or at the academic institution by a licensed marriage and family therapist or an American Association for Marriage and Family Therapy approved supervisor.”

**Effective March 27, 2020, the Board will accept a graduate degree as meeting educational requirements for LMFT licensure, where the graduate practicum experience does not meet the minimum required clinical contact hours.** At time of filing initial application, the applicant **must**:

- Submit affidavit of reduced practicum hours *from the graduate program* reporting total practicum hours completed and confirming that reduced hours were authorized by graduate program due to COVID-19 national state of emergency and/or MN peacetime emergency status; and
- Acknowledge in writing that clinical contact hours necessary to meet minimum practicum requirements (300 hours, at least 150 of which are with couples / families / similar relational groups) will be added to applicant’s post-graduate supervised clinical experience requirements.
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.
Electronic Therapy/Telehealth

- May an applicant for licensure/LAMFT engage in electronic therapy and may such hours be logged in meeting post-graduate requirements for LMFT licensure?

Yes; an applicant for licensure/LAMFT may provide electronic therapy and may log such hours in meeting post-graduate requirements for LMFT licensure. The applicant/LAMFT must be competent to provide electronic therapy or obtain education/training to develop such a competency. The individual must be under appropriate supervision of an LMFT Board-approved supervisor when providing such services. Electronic therapy must be in compliance with the MN Code of Ethics (Minn. Rule 5300.0350) and applicable HIPPA standards. (Note: Relevant HIPPA standards may change based upon type of service provided and where service is provided.) The Board has issued previous information regarding electronic therapy available for review on the Board’s website. All electronic therapy is limited by state jurisdiction. (See Jurisdictional Issues, above.)
Continuing Education requirements / CE Audit

- For individuals notified of CE Audit for the 2018-2019 CE reporting period, has the March 31, 2020 audit filing deadline been extended?

  Yes; on March 27, 2020, the Board extended the CE Audit reporting deadline to April 30, 2020. A separate email was sent to all LMFTs subject to audit advising them of this reporting deadline extension. No further extensions will be granted.

- Does the COVID-19 pandemic/MN peacetime emergency alter the 2020-2021 CE reporting requirements for LMFTs?

  No. As the December 31, 2021 CE reporting deadline is over 20 months away, the current pandemic does not impact an LMFT's ability to complete required CE in a timely manner. There is no limit on the number of CE hours an LMFT may earn via online/webinar programming. All CE programs used to meet licensure requirements must be approved by the MN Board of MFT.
Criminal Background Check requirements impacting initial applicants for licensure

- How do I complete the required fingerprint-based criminal background check (CBC) during the COVID-19 pandemic/MN peacetime emergency?

Individuals filing the initial application for LMFT licensure, the Application for National Examination in MFT, are finding it difficult to find fingerprinting locations during the COVID-19 pandemic. The Minnesota Health Related Licensing Boards (HLBs) have worked with Governor Walz and on March 27, 2020, Governor Walz signed Executive Order 20-23 which **temporarily defers the fingerprinting requirement** for initial applicants. All individuals who have filed the initial application with the MN Board of MFT and have not submitted the required fingerprints, or those who will file this application during the MN peacetime emergency, will receive email notification from the HLB Criminal Background Check office on how to complete the CBC without submission of fingerprints.

If your application is approved based upon a non-fingerprint CBC, **you will be required to complete a fingerprint-based CBC after the peacetime emergency ends.** Instructions on completing the fingerprint-based CBC will be sent to you by the Board.
AMFTRB National Examination in MFT & the MN LMFT State Licensure Exam

- MFT National Exam - At this time, all MFT National Exam testing has been cancelled through April 16, 2020. The Prometric testing centers closed March 18, 2020. March examinees who had not yet taken the test have been notified of their transfer to the June 2020 testing window. Applicants remain able to register for 2020 exam testing dates. It is not yet known whether the April 2020 exam testing window (April 18-25) will be impacted. AMFTRB, the national entity which promulgates the exam, and Professional Testing Corporation (PTC), the national exam administrator, have implemented special reschedule rules. If an applicant wishes to reschedule an MFT National Exam as a result of COVID-19, they should contact PTC at 212-356-0660.

- LMFT State Exam - The MN Board of MFT cancelled the LMFT State Exams scheduled for March 18, April 15 and April 17, 2020. Currently, the Board intends to resume exams in May 2020 in a format which maintains exam integrity and confidentiality, while insuring the health and safety of applicants and examiners. Any changes to exam scheduling and/or exam structure/format will be communicated to examinees as soon as any such change is finalized.