This FAQ is specific to frequently asked questions from licensees and the public in the context of the COVID-19. This FAQ will be updated on an as-needed basis. Check back periodically for updates. If you have a question regarding COVID-19 and Board of Behavioral Health licensing that is not on this FAQ you can e-mail department staff directly at dlibsddbh@mt.gov.

If you have general questions pertaining to licensure and the board that are not specifically related to the COVID-19 situation we recommend you review the general board FAQ and the board website at www.bbh.mt.gov. For questions that are not specifically related to the COVID-19 situation you can continue to e-mail customer service staff at dlibsdhelp@mt.gov.

General Message Concerning the Governor's Stay-in-Place Directive

Below is an excerpt from the Governor's directive concerning essential businesses.

- For further questions you are encouraged to review the Governor's directive which can be found at https://covid19.mt.gov/.
- If a business has questions, or believe they should be categorized differently/want further clarity you should contact the Governor's Office call line at 1-800-755-6672. That is the quickest way to get a final response.

Language from Directive of Interest to BBH Licensees:

"Health Care and Public Health Operations. For purposes of this Directive, individuals may leave their residence to work for or obtain services through Health Care and Public Health Operations.

Health Care and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home Health Care services providers; mental health and substance use providers; other Health Care facilities and suppliers and providers of any related and/or ancillary Health Care services; and entities that transport and dispose of medical materials and remains..."
...Essential Businesses and Operation should also employ, where feasible, telework or other remote working opportunities to limit disease spread...”.

**FAQs**

**Question 1:**
I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. Am I allowed to conduct telepractice/telehealth in order to provide services to clients located in Montana?

**Response 1:**
Yes. Telehealth/telepractice is a method of delivery of services and not a specific type of license or practice. As a licensee you are still held to all the other statutes and rules including ethics, unprofessional conduct, privacy, etc. regardless of the method you are using to deliver those services. Candidates and the licensees that supervised them should remember that regardless of the method of delivery of services, candidate licensees must still be supervised as described in the board's supervised work experience rules (see ARM 24.219.422, 24.219.504, 24.219.604, 24.219.704, or 24.219.5008).

**Question 2:**
I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health and am going to be conducting telehealth/telepractice for the first time. Does the board have any training requirements or recommend any particular types of training so I have more information on how to practice telehealth while complying with all of the laws under this board?

**Response 2:**
Staff and the board cannot give legal advice so we cannot recommend nor endorse any particular trainings or protocols/best practices. You might try contacting your state and/or national professional association(s) to see if they have any recommendations. As a licensee you are still held to all the other statutes and rules including ethics, unprofessional conduct, privacy, etc. regardless of the method you are using to deliver those services.

**Question 3:**
I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. I [am providing/will be providing] telehealth/telepractice services to clients located in Montana. Can I bill insurance for those services?
Response 3:
Laws pertaining to billing, including private insurance and Medicare and Medicaid, are outside this board’s jurisdiction and regulatory authority. As a licensee you are expected to comply with other state and federal laws that pertain to your scope of practice. However, it is not this board that regulates those specific areas.

You could try contacting the Office of the Commissioner of Securities and Insurance and the Montana Department of Public Health and Human Services Addictive and Mental Disorders Division for more information. You could also try contacting your state and/or national professional association(s) to see if they have any recommendations regarding resources. Note that the COVID-19 situation is fluid and new information is posted on all these entities’ websites frequently. One document that was current as of the date of this FAQ is a memo from DPHHS dated 3/19/20 with regard to telehealth/telepractice, including telephone and live video.

Question 4:
I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. I [am providing/will be providing] telehealth/telepractice services to clients located in Montana. Since the state of Montana and the federal government have declared state and national emergencies does that alter the types of services I can bill insurance for?

Response 4:
See Response #3.

Question 5:
Can I conduct telepractice/telehealth in Montana if I am licensed in another state but do not have a license in Montana?

Response 5:
Telehealth/telepractice is a method of delivery of services and not a specific type of license or practice. In order to practice one of the professions licensed under this board you must be licensed in the state of Montana (e.g. where the services are occurring) or be exempt from licensure in Montana. Click on the below links to view the statutory exemptions from licensure for different license types. Also, see Response #7 regarding emergency interstate licensure registration in Montana.

Note that laws concerning telepractice/telehealth vary from jurisdiction to jurisdiction so you should also check with the regulatory entity in the jurisdiction where you are licensed with regard to its laws.

- MCA 37-22-305(3) – LCSW
- MCA 37-23-201(4) – LCPC
- MCA 37-35-201(2) & (3) – LAC
- MCA 37-37-201(5) and 37-37-202(2) – LMFT
Question 6:
Can I conduct telepractice/telehealth in another jurisdiction if I am licensed in Montana as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] but do not have a license in that other jurisdiction?

Response #6
Under Montana's laws you would be considered to be practicing in the jurisdiction where the client was located, not in Montana. Laws concerning telepractice/telehealth vary from jurisdiction to jurisdiction and you will need to check with regulatory entity in the jurisdiction where your client is located with regard to its laws.

Question 7:
I read your response to Question #5. Is there some type of emergency exemption for licensure or way to obtain a temporary or emergency license as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] to provide services to clients who are located in Montana while under the state of emergency declared federally and in Montana?

Response 7:
The Department of Labor and Industry Business Standards Division (BSD) has implemented an interstate licensure recognition registration process to allow expedited registration of professionals who hold an active, unrestricted license in another state to begin working in Montana. There is no cost to that registration.

For more information and access to the registration form visit http://bsd.dli.mt.gov/ or the board's homepage at www.bbh.mt.gov. This registration will only enable people to to work in Montana when they have registered appropriately with the department and have been granted a registration. This registration will only be valid during the period of time the Governor has declared a state of emergency related to COVID-19. While a future date may show in Licensee Lookup, it should be understood to only be valid when a state of emergency is in effect if next to name it says “Covid-19 Reg”.

Otherwise, in order to practice in Montana you must be licensed in Montana or fall under one of the exemptions listed in Response #5.

Question 8:
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCSW and I need to practice as an LCSW for more than 10 days without a Montana license as allowed under 37-22-305(3)(e), MCA, below. How do I report to the board?
MCA 37-22-305(3)(e): "activities and services by a person who is not a resident of this state that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days if the person is authorized under the law of the state or country of residence to perform the activities and services. However, the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year....".

Response 8:
You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana. Instead of practicing under the exemption you can also register for an emergency interstate licensure registration as described in Response #7.

Question 9:
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCSW and I need to practice as an LCSW for more than 45 consecutive days or 60 aggregate days in the calendar year without a Montana license as allowed under MCA 37-22-305 (3)(e), MCA, below.

MCA 37-22-305(3)(e): "activities and services by a person who is not a resident of this state that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days if the person is authorized under the law of the state or country of residence to perform the activities and services. However, the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year...".

Response 9:
While Montana is under a state emergency, you can register for an emergency interstate licensure registration as described in Response #7. Otherwise, you will need to apply for and obtain a license as an LCSW in Montana if your practice does not fall under the above exemption or any of the other exemptions in MCA 37-22-305, MCA. You can apply using our online application.

Question 10:
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCPC and I need to practice as an LCPC for more than 10 days without a Montana license as allowed under, MCA 37-23-201 (4)(e), MCA, below. How do I report to the board?

MCA 37-23-201(4)(e): "an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days, if the person is authorized under the law of the state or country of residence to perform the activity or service. However, the person shall report to the department of labor and industry the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".
Response 10:
You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana. Instead of practicing under the exemption you can also register for an emergency interstate licensure registration as described in Response #7.

Question 11:
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCPC and I need to practice as an LCPC for more than 10 days without a Montana license as allowed under 37-23-201(4)(e), MCA, below.

MCA 37-23-201(4)(e): "an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days, if the person is authorized under the law of the state or country of residence to perform the activity or service. However, the person shall report to the department of labor and industry the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

Response 11:
While Montana is under a state emergency, you can register for an emergency interstate licensure registration as described in Response #7. Otherwise, will need to apply for and obtain a license as an LCPC in Montana if your practice does not fall under the above exemption or any of the other exemptions in 37-23-201, MCA. You can apply using our online application.

Question 12:
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LAC and I need to practice as an LAC for more than 60 aggregate days in the calendar year without a Montana license as allowed under 37-35-201(2)(f), MCA, below. How do I report to the board?

37-35-201(2)(f): "of a person who is not a resident of this state if the activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year and if the person is authorized under the laws of the state or country of residence to perform the activity or service. However, the person shall report to the board the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

Response 12:
You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana. Instead of practicing under the exemption you can also register for an emergency interstate licensure registration as described in Response #7.
**Question 13:**
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LAC and I need to practice as an LAC for more than 60 aggregate days in the calendar year without a Montana license as allowed under 37-35-201(2)(f), MCA, below.

37-35-201(2)(f): "of a person who is not a resident of this state if the activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year and if the person is authorized under the laws of the state or country of residence to perform the activity or service. However, the person shall report to the board the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

**Response 13:**
You will need to apply for and obtain a license as an LAC in Montana if your practice does not fall under the above exemption or any of the other exemptions in 37-35-201, MCA. You can apply using our online application. Be aware the FBI fingerprint background check that you must obtain through the Montana Department of Justice will take approximately six weeks and that is a required part of your application.

**Question 14:**
I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LMFT and I need to practice as an LMFT in Montana but do not meet any of the exemptions described in 37-37-201(5), MCA? Can I obtain type of emergency exemption for licensure or way to obtain a temporary or emergency license

**Response 14:**
While Montana is under a state emergency, you can register for an emergency interstate licensure registration as described in Response #7. Otherwise, will need to apply for and obtain a license as an LMFT in Montana if your practice does not fall under any of the other exemptions in 37-37-201, MCA. You can apply using our online application.

**Question 15:**
I am a student enrolled in a graduate degree program. I normally physically attend college in another state or jurisdiction but am now attending class remotely from Montana. As part of my degree program I am being supervised for a counseling internship. My supervisor is located in the state/jurisdiction where I usually practice. Can I continue with my internship while I am physically located in Montana?

**Response 15:**
You will need to consult with your supervisor and that state/jurisdiction in which you will actually be practicing. Since any clients you would be seeing would be located in that other state/jurisdiction the regulations that apply would be those of your college and/or that state/jurisdiction's licensing entity.
Question 16:
I am supervising a student enrolled in a graduate degree program at a college located outside of Montana. I am supervising that student for an internship associated with that degree program. The student I supervise normally physically attends college in the state/jurisdiction in which I am located. However, that student is now attending classes remotely from Montana. Can I continue supervising that student internship without obtaining a Montana license?

Response 16:
Generally speaking students practicing in the state of Montana as part of their degree programs are exempt from licensure as described in the following MCA: 37-22-305 (social work), 37-23-201 (professional counseling), 37-35-201 (addiction counseling), and 37-37-201 (marriage and family therapy). However, since the student would presumably be offering services to clients located in the state/jurisdiction in which you, the supervisor, were located, it would be that state/jurisdiction's laws that applied, not Montana's. Under Montana's laws, you as the supervisor would not need to be licensed in Montana since you would not be practicing in Montana.

Question 17:
I am currently licensed as an [LCPC/LCSW/LMFT/LAC/CBHPSS]. Many conferences and training courses are being cancelled or changed to online due to health and safety concerns, etc. What should I do if I cannot meet my annual continuing education (CE) requirements?

Response 17:
The issue of conferences and training courses being cancelled is affecting licensees nationwide in many professions. For the time being, keep in mind that this board allows its licensees to: (1) obtain online CE; (2) utilize carryover CE from the previous renewal year; and (3) request CE hardship exemptions. However, as I said, this is only one of many larger issues facing licensees across many professions. If this board needs to take action in the future to deal with licensees' legitimate inability to obtain CE due to the COVID-19 situation it can do so. There is no need to apply for a hardship exemption at this time unless you had already intended to do so for non-COVID-19 reasons.

Question 18:
I am a Montana [LCPC/LCSW/LMFT/LAC candidate] and have completed all my supervised work experience hours but have not yet taken the national exam. Can I take it during the COVID-19 pandemic? Are testing centers closed?

Response 18:
Department staff can still approve you to register for the national exam. However, the exams themselves and where they are administered is not under the purview of the department or board. For information on whether you can still sit for an exam or if special restrictions are in place you will need to contact the national exam entity directly. We recommend you visit their
website since their staff are also very busy and they are also keeping their own COVID-19 specific information posted to their websites.

**Question 19:**
I have completed all requirements for full licensure as an [LCPC/LCSW/LMFT/LAC] except for passing an approved national exam. I have contacted the exam entity and they are not administering exams and/or testing centers are currently closed due to the COVID-19 pandemic. Can I be issued a full license without having passed the exam?

**Response 19:**
The issues of cancelled licensing exams and/or closed testing centers are issues that face many licensees and applicants. These issues impact many boards and many licensed professions across the U.S. and other jurisdictions. Just in Montana there are approximately 200 professional and occupational license types under the Department of Labor and Industry, a majority of which require passage of a national exam. The department along with high level state officials are currently exploring options for applicants and licensees. Check back to this FAQ for future updates.

**Question 20:**
I want to apply for a Montana license as an [LCPC/LCSW/LMFT/LAC/CBHPSS] or [LCPC/LCSW/LMFT/LAC candidate]. Is Montana still issuing "regular" licenses during the COVID-19 situation? Has the normal application process changed? Can I expect delays?

**Response 20:**
The department and board recognize that the current COVID-19 pandemic has created discord in the normal application, examination, background check, and licensure process. We are striving to address these concerns and potential roadblocks as quickly as possible; however, please understand that this will not occur overnight. The board must continue its public safety mission while adapting to daily changes occurring from the pandemic. This will take time. Applicants are encouraged to begin their application for licensure and to complete as much of the required information as possible. Applications remain valid for one year under normal circumstances. If you submit your application and an item is missing, our licensing specialist will work with you to complete the application. We do not deny applicants for submitting an incomplete application. By completing the application’s remaining parts, exempting exams, etc., you can get ahead on the licensure process.

*Online applications* are always the most efficient application method and allow you to upload your own supplemental forms directly into your application at any time. Paying the fee triggers the beginning of the staff review process. Be aware that to verify authenticity, some documents such as exam results, transcripts, and background checks must be sent to the department directly from the source and cannot be uploaded by the applicant.
View the licensing requirements and application checklists which will assist you with your application process.

- Licensed Clinical Professional Counselor Application Checklist
- Licensed Clinical Professional Counselor Candidate Application Checklist
- Licensed Clinical Social Worker Application Checklist
- Licensed Clinical Social Worker Candidate Application Checklist
- Licensed Addiction Counselor Application Checklist
- Licensed Addiction Counselor Candidate Application Checklist
- Licensed Marriage and Family Therapist Application Checklist
- Licensed Marriage and Family Therapist Candidate Application Checklist
- Certified Behavioral Health Peer Support Specialist Application Checklist

**Question 21:**
I am trying to get an FBI fingerprint background check through the Montana Department of Justice (DOJ) since it is a required part of my application. However, my local police department, sheriff’s office, etc. has been closed to walk-in fingerprinting. Where can I get my fingerprints taken?

**Response 21:**
As of the date of this memo the DOJ office in Helena is open for fingerprint services by appointment only with reduced hours. They will be open for fingerprinting Tuesday through Thursday 9:00 a.m. through 4:00 p.m. You must call and schedule an appointment. Walk-ins will not be accepted. Contact DOJ directly for more information and to make an appointment. Contact your own local law enforcement agency (in Montana or your home state) directly to see if they are accepting appointments and/or taking fingerprints.

Additionally, there are several different board and license types under the Department of Labor and Industry which require fingerprint background checks. Department staff along with high level state officials are currently exploring options for applicants and licensees. Check back to this FAQ for future updates.

**Question 22:**
If I cannot get a background check but have met all other licensing requirements can I be issued a license during this COVID-19 situation?

**Response 22:**
The department and board recognize that the current COVID-19 pandemic has created discord in the normal background check and licensure process. We are striving to address these concerns and potential roadblocks as quickly as possible. However, please understand that this will not occur overnight. Department staff along with high level state officials are currently exploring options for applicants and licensees. Check back to this FAQ for future updates. Also see Response #21.