

Montana Board of Behavioral Health

COVID-19 FAQ

(FAQ updated 5/6/20)

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 dlibsdbbh@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 dlibsdhhelp@mt.gov.

General Message Concerning the Governor's Directives

The Governor's Stay-at-Home Directive is no longer in effect and Montana is currently in Phase 1 Reopening.

Note that neither the department nor the board offer interpretation of the Governor's Directives. If you are a licensee and have questions about providing services or operating your business appropriately under the Governor's Directives during the COVID-19 declared emergency, please visit the [Governor's Coronavirus Task Force Joint Information Center](#) website and the [Phase One Reopening FAQs](#) or call 1-888-333-0461.

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 (e.g. [SAMSHA and MHTTC](#), [ASWB](#), [NBCC](#), [ACA](#), etc.). 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. If recommendations from other organizations conflict with Montana's laws you must adhere to Montana's laws.

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 Question/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 Question/Response #7.

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
- [MCA 37-28-201\(2\)](#) & (3) – CBHPSS

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:

As authorized by 10-3-118 MCA, and Governor Steve Bullock's directive, The Montana Department of Labor and Industry has implemented a COVID-19 emergency healthcare registration for out-of-state healthcare licensees requesting to actively work in Montana for a defined period of time. For more information and to register visit <http://bsd.dli.mt.gov/licensee-covid-19>. This registration will only enable people to work in Montana when they have registered appropriately with the department and have been **granted** a registration.

The registration is only valid until the current emergency directives are rescinded. If you are looking to work in Montana longer than the current state of emergency is in effect you must be licensed in Montana or fall under one of the exemptions described in Question/Response #5. Information on applying for a Montana license can be found in Question/Response #15.

Question 8:

I was previously licensed in Montana but my license has expired or terminated (i.e. expired more than two years ago). Can I get an emergency permit to practice in Montana during the state of emergency without applying for and being granted a new license through the normal licensing process?

Response 8:

If you only want to practice during the declared COVID-19 state of emergency and you are licensed in another state you may apply for an emergency healthcare registration as described in Question/Response #7 which will only valid until the current emergency directives are rescinded.

If you wish to have a "normal" license in Montana again after the state of emergency and your Montana license has expired (i.e. been expired for less than two years) you may choose to renew by renewing through the normal process and paying all the associated late renewal fees. If your previous Montana license has terminated (i.e. expired for more than two years) you will need to reapply for a new license using the normal application process, including the application fee. If you apply you can ask department staff to check your old record to see if we still have your transcript and exam results on file since those would not change. You can access your record to renew or apply for a new license through your [online eBiz account](#).

Question 9:

I am currently licensed in Montana but my license is on inactive status. How can I move my license to active status?

Response 9:

If you only want a temporary permit to practice during the declared COVID-19 state of emergency you may apply for a temporary permit by following the process described at <http://bsd.dli.mt.gov/licensee-covid-19>. There is no fee associated with this permit. However, this permit is only valid until the current emergency directives are rescinded. If you are looking to work in Montana longer than the current state of emergency is in effect you must be licensed in Montana or fall under one of the exemptions described in Question/Response #5.

If you wish to move your license to active status using the normal process you may follow the normal process and pay the normal fees using the below forms.

- [Change License Status - Inactive to Active - Licensed Clinical Professional Counselor](#)
- [Change License Status - Inactive to Active - Licensed Clinical Social Worker](#)
- [Change License Status - Inactive to Active - Licensed Addiction Counselor](#)
- [Change License Status - Inactive to Active - Licensed Marriage and Family Therapist](#)
- [Change License Status - Inactive to Active - Certified Behavioral Health Peer Support Specialist](#)

Question 10:

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 10:

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 11:

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 11:

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 12:

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 12:

The issue of conferences and training courses being cancelled is affecting licensees nationwide in many professions. Based on guidance recently developed by this department for the licensing boards under it (including this one), licensing boards with CE requirements can consider options for extending the period of time licensees have to complete CE and/or the process for granting hardship waivers.

Since LAC annual renewal is currently open (opened May 1 and ends June 30), it is timely for the board to consider whether LACs may have difficulty obtaining the necessary CE for this renewal period and, if so, whether to take potential actions as described in the above paragraph. The board will discuss this issue at its May 15 meeting. **Regardless of the outcome of the May 15 meeting, LACs who are planning to renew their licenses during the current renewal should plan to renew as normal ([online renewal through your eBiz account](#) is recommend).**

At this point the board will not be considering extending the period of time LCSW, LCPC, LMFT, and CBHPSS have to complete CE and/or the process for granting hardship waivers since the pandemic situation is still very fluid and those license types do not need to renew until December 31, 2020. If necessary the board can discuss the issue(s) and potentially take action for those license types at a future meeting.

All licensees should also continue to 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. Note that 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 13:

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 13:

Department staff can still approve those who are qualified to register for the national exams if they meet all other licensing requirements. However, the exams themselves and where they are

administered are 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. It will have the most current information regarding tester centers and/or online proctoring. We recommend you visit those exam entities' websites for the most current information. Some testing centers are beginning to open up with limited appointments across the country but testing slots are limited due to social distancing requirements and the fact that these testing centers test for many different types of professions.

Question 14:

I am not currently licensed in Montana but have applied for a license and have completed all requirements for full licensure as an [LCPC/LCSW/LMFT/LAC] except for passing an approved national exam. Can I take it during the COVID-19 pandemic? Are testing centers closed? Can I be issued a full license without having passed the required exam?

Response 14:

See Question/Response #13. Also, applicants who meet all other licensing requirements with the exception of passing a required exam can be issued a temporary permit per [37-1-305\(2\)](#), MCA.

Question 15:

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 15:

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 16:

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 16:

As of the date of this memo the DOJ office in Helena is open for fingerprint services **by appointment only with reduced hours**. 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.

Question 17:

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 17:

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. Officials are exploring options for applicants and licensees if issues obtaining fingerprints in Montana and other states persist. Check back to this FAQ for future updates. Also see Question/Response #16.

If you are a licensee or applicant looking for more general FAQs which are not necessarily related to the questions being asked during the pandemic we recommend you view the [General FAQ](#).