STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-101

Authorizing Minnesota Board of Behavioral Health and Therapy to Modify Licensing Requirements During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. Since declaring the peacetime emergency, I have extended it every 30 days, with the most recent extension occurring today, December 14, 2020. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

On March 27, 2020, I issued Executive Order 20-23, which authorized Minnesota health-related licensing boards to modify licensure requirements during the COVID-19 peacetime emergency. The Minnesota Board of Behavioral Health and Therapy ("BBHT") is a health-related licensing board that licenses and regulates professional counselors and professional clinical counselors in the State of Minnesota, pursuant to Minnesota Statutes 2020, Chapter 148B. BBHT also licenses and regulates alcohol and drug counselors in the State of Minnesota, pursuant to Minnesota Statutes 2020, Chapter 148F. Statutory and rule requirements in Minnesota Statutes 2020, sections 148B.5301 and 148F.04, and Minnesota Rules 2020, part 2150.5010, require that applicants for licensure from BBHT complete at least 75 percent of their supervised professional practice hours through in-person supervision. Compliance with these requirements has become burdensome and, in some cases, impossible during the COVID-19 pandemic. Many facilities and practitioners in this field are providing counseling to clients through telehealth rather than in-person to maintain social distancing and protect the health and safety of practitioners and their clients during the COVID-19 pandemic.

Ensuring access to counseling from licensed professionals, especially during the challenging times of a pandemic, is critical to Minnesotans' health and wellbeing. Given the present constraints on the supervision and licensing process, to ensure that our health-related

professionals can fully support Minnesotans during the COVID-19 pandemic, BBHT must have the authority to appropriately modify supervision and licensing requirements during the COVID-19 peacetime emergency.

In Minnesota Statutes 2020, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers "in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2020, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2020, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

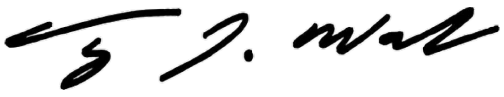
For these reasons, I order as follows:

1. The Minnesota Board of Behavioral Health and Therapy is authorized to process applications for licensure from applicants and licensees who, during the peacetime emergency declared in Executive Order 20-01, complete professional supervised practice hours, as required by Minnesota Statutes 2020, Chapter 148B or 148F, or Minnesota Rules 2020, part 2150.5010, through any one or combination of the following means: telephone, audio, audiovisual electronic device, or in-person.

Pursuant to Minnesota Statutes 2020, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on December 14, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on December 14, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed December 14, 2020
Office of the Minnesota
Secretary of State
Steve Simon