OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 20, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for expanded telehealth

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

The demand for health care practitioners and facilities needed to respond to this emergency will put significant strain on health care systems, and a majority of Montana counties already face shortages of health care and mental health practitioners. Pursuant to § 10-3-118, MCA, the Montana Department of Labor and Industry may provide interstate licensure recognition whenever a state of emergency or disaster is in effect by registering professionals who possesses an active, unrestricted license in another state. Certain modification of statutes and administrative rules is necessary to achieve this purpose.

Those most at-risk to COVID-19, including older persons, persons with certain underlying health conditions, and persons with certain disabilities, could greatly benefit by being served by health care practitioners via telehealth while simultaneously maintaining appropriate social-distancing protocols. Allowing patients and providers to communicate via telephone or through online communications, as well as allowing private insurance companies to provide coverage for these services, will greatly expand Montanans' ability to have safe options to receive quality care.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective immediately:

- Strict compliance with ARM § 24.101.417 is waived for the purposes of licensing health care professionals for the duration of the emergency so that health care facilities may bring in additional paid staff to Montana as soon as needed and possible.

- Health care practitioners shall be allowed to perform health care services using all modes of telehealth, including video and audio, audio-only, or other electronic media, to treat the residents of the state of Montana for all medically necessary and appropriate services.

- Strict adherence to the following requirements of board specific telehealth / telepractice / telemedicine requirements for these practitioners is suspended to the extent that doing so is necessary in responding to the emergency and consistent with the purposes of this Directive:
    - Section 37-3-102(14)(b), MCA, and ARM § 24.156.813 (physicians);
    - ARM § 24.189.301(16) (psychologists);
    - Section 37-15-102(11), 37-15-202(1)(d), MCA and ARM §§ 24.222.907; -.910; -.913; -.916; -.920 (speech language pathologists and audiologists).

- To the extent that Section 33-22-138(6)(d)(ii)-(iii), MCA, conflicts with the purposes of this Directive, strict adherence is waived for the limited purpose of services provided via telehealth during the emergency.

- Further, to the extent that any other statute or administrative rule would frustrate the purposes of this Directive, strict adherence is hereby suspended during the emergency.

Authorities: Sections 10-3-104 and -118, MCA; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; §§ 50-1-202, -203, and -204, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.