STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-28

Allowing Out-of-State Mental Health Providers to Render Telehealth Aid and Permitting Certain Licensing Boards to Provide License and Registration Relief 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. 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. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

In Minnesota Statutes 2019, section 12.02, subdivision 1, the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor the emergency and disaster powers provided in Chapter 12 to "ensure the preparations of this state will be adequate to deal with disasters," to "generally protect the public peace, health, and safety," and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, 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 2019, 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.

Many Minnesotans receive mental healthcare services from providers in neighboring states. Additionally, Minnesotans previously living out-of-state, including college students and others, have been receiving out-of-state mental healthcare services but have returned to Minnesota due to the COVID-19 pandemic. Allowing out-of-state mental healthcare providers to provide

telehealth services in Minnesota will ensure that the mental health needs of Minnesotans are met during the stress and uncertainty this pandemic.

During a declared emergency, Minnesota Statutes 2019, section 12.42, authorizes a person who holds a license, certificate, or other permit issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications for professional, mechanical, or other skills, to render aid involving those skills in Minnesota when such aid is requested by the Governor to meet the needs of the emergency. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in Minnesota, subject to such limitations and conditions as the Governor may prescribe. I have concluded that during this peacetime emergency, qualifying out-of-state mental healthcare providers should be authorized to render aid in our State to meet the healthcare needs of Minnesotans.

Minnesota workers face economic insecurity due to involuntary unemployment and loss of hours due to the COVID-19 pandemic. Providing relief to these workers allows them to better access basic necessities and safeguard their own health and the health of others. Pursuant to federal guidelines and previous Executive Orders, dentist offices have reduced non-essential care, and our barbers and cosmetologists have stopped providing services. As a result, many licensees of the Minnesota Boards of Dentistry, Cosmetologist Examiners, and Barber Examiners have seen reductions in hours and compensation and in some cases have lost employment. Minnesota law requires individuals and businesses regulated by these boards to renew licenses and registrations, pay the associated renewal fees, and pay late fees for failing to renew a license or registration on time. I have concluded that during this peacetime emergency, the Minnesota Boards of Dentistry, Cosmetologist Examiners, and Barber Examiners must have authority to appropriately modify renewal and fee requirements given the present constraints on their respective fields.

For these reasons, I order as follows:

1. 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.

2. I authorize the Minnesota Board of Dentistry to waive late fees for renewal applications, set forth in Minnesota Statutes 2019, sections 150A.09 and 150A.091, for licenses that expire during the peacetime emergency declared in Executive Order 20-01.

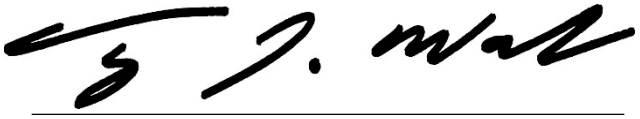
3. I authorize the Minnesota Board of Cosmetologist Examiners to waive late fees for renewal applications, set forth in Minnesota Statutes 2019, section 155A.25, for licenses that expire during the peacetime emergency declared in Executive Order 20-01.

4. I authorize the Minnesota Board of Barber Examiners to extend the June 30, 2020 deadline for renewing shop registrations, set forth in Minnesota Statutes 2019, section 154.15, subdivision 1, to July 31, 2020 or 30 days following termination of the peacetime emergency declared in Executive Order 20-01, whichever is later.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, paragraph 1 of this Executive Order is effective immediately, and paragraphs 2, 3, and 4 are effective immediately upon approval by the Executive Council. This Executive Order remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

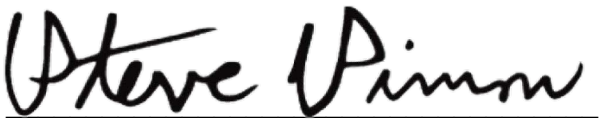
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 6, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on April 6, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed April 6, 2020
Office of the Minnesota
Secretary of State,
Steve Simon