

2026 -- H 7349 SUBSTITUTE A

LC004589/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND HOSPITALS -- OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN MENTAL HEALTH CARE ACT

Introduced By: Representatives Spears, Carson, Messier, Speakman, Shanley, McEntee, Baginski, Kazarian, Cotter, and Donovan

Date Introduced: January 28, 2026

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40.1 of the General Laws entitled "BEHAVIORAL HEALTHCARE,
2 DEVELOPMENTAL DISABILITIES AND HOSPITALS" is hereby amended by adding thereto
3 the following chapter:

4 CHAPTER 5.5

5 OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN MENTAL HEALTH
6 CARE ACT

7 **40.1-5.5-1. Short title.**

8 This chapter shall be known and may be cited as the "Oversight of Artificial Intelligence
9 Technology in Mental Health Care Act".

10 **40.1-5.5-2. Definitions.**

11 For the purposes of this chapter:

12 (1) "Administrative support" means tasks performed to assist a licensed professional or
13 provider in the delivery of therapy or psychotherapy services that do not involve therapeutic
14 communication. "Administrative support" includes, but is not limited to, the following:

15 (i) Managing appointment scheduling and reminders;

16 (ii) Processing billing and insurance claims; and

17 (iii) Drafting general communications related to therapy logistics that do not include
18 therapeutic advice.

1 (2) "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-
2 based system that can, for a given set of human-defined objectives, make predictions,
3 recommendations, or decisions influencing real or virtual environments.

4 (3) "Consent" means an affirmative written agreement, including by electronic means,
5 which unambiguously communicates the individual's explicit, express, freely given, informed,
6 voluntary, and specific agreement, and which is revocable by the individual. "Consent" does not
7 include an agreement that is obtained by the following:

8 (i) The acceptance of a general or broad terms of use, agreement, or a similar document
9 that contains descriptions of artificial intelligence along with other unrelated information;

10 (ii) An individual hovering over, muting, pausing, or closing a given piece of digital
11 content; or

12 (iii) Using deceptive actions.

13 (4) "Licensed professional or provider" means an individual who holds a valid license,
14 credential, or certification issued by this state to provide therapy or psychotherapy services.

15 (5) "Peer support" means services provided by individuals with lived experience of mental
16 health conditions or recovery from substance use or gambling that are intended to offer
17 encouragement, understanding, and guidance without clinical intervention.

18 (6) "Permitted use of artificial intelligence" means the use of artificial intelligence tools or
19 systems by a licensed professional or provider to assist in providing administrative support or
20 supplementary support in therapy or psychotherapy services where the licensed professional or
21 provider maintains responsibility for clinical judgement and reasonable therapeutic oversight of the
22 patient's use of the system, but not for vendor-controlled system design, algorithms, or outputs.

23 (7) "Religious counseling" means counseling provided by clergy members, pastoral
24 counselors, or other religious leaders acting within the scope of their religious duties if the services
25 are explicitly faith-based and are not represented as clinical mental health services or therapy or
26 psychotherapy services.

27 (8) "Supplementary support" means tasks performed to assist a licensed professional or
28 provider in the delivery of therapy or psychotherapy services that do not involve therapeutic
29 communication and that are not administrative support. "Supplementary support" includes, but is
30 not limited to, the following:

31 (i) Preparing and maintaining client records, including therapy notes;

32 (ii) Analyzing data to track client progress or identify trends, subject to review by a
33 licensed, credentialed, or certified professional; and

34 (iii) Identifying and organizing external resources or referrals for client use.

1 (9) "Therapeutic communication" means any verbal, non-verbal, or written interaction
2 conducted in a clinical or professional setting that is intended to diagnose or treat an individual's
3 mental, emotional, or behavioral health concerns. "Therapeutic communication" includes, but is
4 not limited to:

5 (i) Direct interactions with clients for the purpose of understanding or reflecting their
6 thoughts, emotions, or experiences;

7 (ii) Providing guidance, therapeutic strategies, or interventions designed to achieve mental
8 health outcomes;

9 (iii) Offering emotional support, reassurance, or empathy in response to psychological or
10 emotional distress;

11 (iv) Collaborating with clients to develop or modify therapeutic goals or treatment plans;
12 and

13 (v) Offering behavioral feedback intended to promote psychological growth or address
14 mental health conditions.

15 (10) "Therapy or psychotherapy services" means services provided to diagnose or treat an
16 individual's mental health or behavioral health. "Therapy or psychotherapy services" does not
17 include religious counseling or peer support.

18 **40.1-5.5-3. Artificial intelligence in mental health care: use restrictions and**
19 **permissions.**

20 (a) No licensed professional or provider shall be permitted to use artificial intelligence,
21 designed to simulate emotional attachment, bonding, or dependency or artificial intelligence
22 companions for mental health or emotional support, to assist in supplementary support or
23 therapeutic communication in therapy or psychotherapy services where the client's therapeutic
24 session is recorded or transcribed unless the patient or the patient's parent, guardian or other legally
25 authorized representative is informed in writing of the following and provides consent as defined
26 in § 40.1-5.5-2:

27 (1) That artificial intelligence will be used;

28 (2) The specific purpose of the artificial intelligence tool or system that will be used; and

29 (3) The patient or the patient's parents, or other legally authorized representative, provides
30 consent to the use of artificial intelligence.

31 (b) An individual, corporation, or entity may not provide, advertise, or otherwise offer
32 therapy or psychotherapy services, including through the use of Internet-based artificial
33 intelligence, to the public in this state unless the therapy or psychotherapy services are conducted
34 by an individual who is a licensed professional or provider.

1 (c) A licensed professional or provider may use artificial intelligence only to the extent that
2 such use meets the requirements of subsection (a) of this section. A licensed professional or
3 provider may not allow or otherwise use artificial intelligence to do any of the following:

4 (1) Make independent therapeutic decisions;

5 (2) Directly interact with clients in any form of therapeutic communication without an
6 established relationship when the licensed professional or provider agrees to undertake diagnosis
7 and treatment of the patient and the patient consents under this section, whether or not there has
8 been an in-person encounter between the licensed professional or provider and the patient. The
9 provider retains responsibility for clinical judgement and reasonable therapeutic oversight of the
10 patient's use of the system, but not for vendor-controlled system design, algorithms, or outputs; or

11 (3) Determine therapeutic recommendations or treatment plans.

12 (d) If a client discloses that they are using software that includes AI features on their own
13 initiative, the licensed professional or provider may discuss the client's use of the software and offer
14 guidance about the client's use of the software. The licensed professional is responsible for
15 maintaining confidentiality and monitoring the safety of the client, intervening when necessary to
16 protect the safety of the client, and to discuss limitations and risks using the software poses to the
17 patient.

18 **40.1-5.5-4. Confidentiality of records.**

19 All records kept by a licensed professional or provider and all communications between an
20 individual seeking therapy or psychotherapy services and a licensed professional or provider shall
21 be confidential and shall not be disclosed except as provided pursuant to the provisions of § 40.1-
22 5-26.

23 **40.1-5.5-5. Penalties.**

24 (a) The penalties pursuant to § 5-37.3-9 shall apply to any violation of the confidentiality
25 provisions of this chapter.

26 (b) The executive office of health and human services shall have authority to investigate
27 any actual, alleged, or suspected violation of this chapter.

28 (c) This chapter shall not apply to the following:

29 (1) Religious counseling;

30 (2) Peer support; and

31 (3) Self-help materials and educational resources that are available to the public and do not
32 purport to offer therapy or psychotherapy services.

33 (4) Any artificial intelligence tool or system that has been reviewed and cleared for use by
34 the federal Food and Drug Administration, or another federal agency tasked with approving

1 [artificial intelligence and artificial intelligence algorithms for use in health care.](#)
2 [\(5\) Research pursuant to the patient consent and/or de-identification requirements of 21](#)
3 [C.F.R. Pt. 50 and/or 45 C.F.R. Pt. 46 approved by a healthcare facility's institutional review board](#)
4 [pursuant to § 23-17-19.1.](#)

5 **40.1-5.5-6. Rules and Regulations.**

6 [The executive office of health and human services is authorized to promulgate rules and](#)
7 [regulations to carry out the intent of this chapter.](#)

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO BEHAVIORAL HEALTHCARE, DEVELOPMENTAL DISABILITIES AND
HOSPITALS -- OVERSIGHT OF ARTIFICIAL INTELLIGENCE TECHNOLOGY IN
MENTAL HEALTH CARE ACT

- 1 This act would establish regulations regarding the use of artificial intelligence in mental
- 2 healthcare treatments.
- 3 This act would take effect upon passage.

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