

2026 -- H 8242

LC005354

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- WELLNESS AND OVERSIGHT FOR
PSYCHOLOGICAL RESOURCES ACT

Introduced By: Representatives Shallcross Smith, Spears, Ackerman, Casimiro, Fellela,
Donovan, Hull, Fogarty, and Read

Date Introduced: March 06, 2026

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 63.3

4 WELLNESS AND OVERSIGHT FOR PSYCHOLOGICAL RESOURCES ACT

5 **5-63.3-1. Short title.**

6 This chapter shall be known and may be cited as the "Wellness and Oversight for
7 Psychological Resources Act".

8 **5-63.3-2. Legislative purpose.**

9 It is the purpose of this chapter to safeguard individuals seeking therapy or psychotherapy
10 services by ensuring these services are delivered by qualified, licensed, or certified professionals.

11 This chapter is intended to protect consumers from unlicensed or unqualified providers, including
12 unregulated artificial intelligence systems, while respecting individual choice and access to
13 community-based and faith-based mental health support.

14 **5-63.3-3. Definitions.**

15 As used in this chapter, the following words and terms shall have the following meanings
16 unless the context shall clearly indicate another or different meaning or intent:

17 (1) "Administrative support" means tasks performed to assist a licensed professional in the
18 delivery of therapy or psychotherapy services that do not involve communication. "Administrative

1 support" includes, but is not limited to, the following:

2 (i) Managing appointment scheduling and reminders;

3 (ii) Processing billing and insurance claims; and

4 (iii) Drafting general communications related to therapy logistics that do not include

5 therapeutic advice.

6 (2) "Artificial intelligence" means a machine-based system that, for explicit or implicit

7 objectives, infers from the input it receives how to generate output such as predictions, content,

8 recommendations, or decisions that can influence real or virtual environments. "Artificial

9 intelligence" includes generative artificial intelligence, which consists of an automated computing

10 system that, when prompted with human prompts, descriptions, or queries, can produce outputs

11 that simulate human-produced content including, but not limited to, the following:

12 (i) Textual outputs, such as short answers, essays, or poetry or longer compositions or

13 answers;

14 (ii) Image outputs, such as fine art, photographs, conceptual art, diagrams, or other images;

15 (iii) Multimedia outputs, such as audio or video in the form of compositions or songs or

16 short-form or long-form audio or video; and

17 (iv) Other content that would be otherwise produced by human means.

18 (3) "Consent" means a clear, explicit affirmative act by an individual that:

19 (i) Unambiguously communicates the individual's express, freely given, informed,

20 voluntary, specific, and unambiguous written agreement, including a written agreement provided

21 by electronic means; and

22 (ii) Is revocable by the individual. "Consent" does not include an agreement that is obtained

23 by the following:

24 (A) The acceptance of a general or broad terms of use agreement or a similar document

25 that contains descriptions of artificial intelligence along with other unrelated information;

26 (B) An individual hovering over, muting, pausing, or closing a given piece of digital

27 content; or

28 (C) An agreement obtained through the use of deceptive actions.

29 (4) "Department" means the Rhode Island department health.

30 (5) "Licensed professional" means an individual who holds a valid license issued by this

31 state to provide therapy or psychotherapy services, including:

32 (i) Advanced practice registered nurse (APRN) pursuant to § 40.1-5-2;

33 (ii) Certified nurse practitioner (CNP) or certified clinical nurse specialist as defined under

34 § 5-34-3 and pursuant to § 40.1-5-2;

1 (iii) Clinical mental health counselor associate, or clinical mental health counselor pursuant
2 to § 5-63.2-9;

3 (iv) Marriage and family therapist associate, or marriage and family therapist, pursuant to
4 § 5-63.2-10;

5 (v) Mental health professional pursuant to § 40.1-5-2;

6 (vi) Physician pursuant to chapter 37 of title 5;

7 (vii) Psychiatric nurse clinician pursuant to § 40.1-5-2;

8 (viii) Psychiatrist pursuant to § 40.1-5-2;

9 (ix) Psychologist pursuant to § 40.1-5-2;

10 (x) Qualified mental health professional (QMHP) pursuant to § 40.1-5-2; and

11 (xi) Social worker pursuant to § 40.1-5-2.

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

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

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

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

24 (ii) Analyzing anonymized data to track client progress or identify trends, subject to review
25 by a licensed professional; and

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

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

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

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

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

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

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

7 (10) "Therapy or psychotherapy services" means services provided to diagnose, treat, or
8 improve an individual's mental health or behavioral health. "Therapy or psychotherapy services"
9 does not include religious counseling or peer support.

10 **5-63.3-4. Permitted use of artificial intelligence.**

11 Artificial intelligence as defined in this chapter, may be used by a licensed professional to
12 assist in providing administrative support or supplementary support in therapy or psychotherapy
13 services where the licensed professional maintains full responsibility for all interactions, outputs,
14 and data use associated with the system and satisfies the requirements of this section. No licensed
15 professional shall be permitted to use artificial intelligence to assist in providing supplementary
16 support in therapy or psychotherapy where the client's therapeutic session is recorded or transcribed
17 unless:

18 (1) The patient or the patient's legally authorized representative is informed in writing of
19 the following:

20 (i) That artificial intelligence will be used; and

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

22 (2) The patient or the patient's legally authorized representative provides consent to the use
23 of artificial intelligence.

24 **5-63.3-5. Prohibition on unauthorized therapy services.**

25 An individual, corporation, or entity may not provide, advertise, or otherwise offer therapy
26 or psychotherapy services, including through the use of Internet-based artificial intelligence, to the
27 public in this state unless the therapy or psychotherapy services are conducted by an individual
28 who is a licensed professional. A licensed professional may use artificial intelligence systems only
29 to the extent the use meets the requirements of § 5-63.3-4. A licensed professional may not allow
30 an artificial intelligence system to do any of the following:

31 (1) Make independent therapeutic decisions;

32 (2) Directly interact with clients in any form of therapeutic communication;

33 (3) Generate therapeutic recommendations or treatment plans without review and approval
34 by the licensed professional; or

1 (4) Detect emotions or mental states.

2 **5-63.3-6. Disclosure of records and communications.**

3 All records kept by a licensed professional and all communications between an individual
4 seeking therapy or psychotherapy services and a licensed professional shall be confidential and
5 shall not be disclosed except as required under the confidentiality of health care communications
6 and information act (chapter 37.3 of title 5).

7 **5-63.3-7. Enforcement and penalties.**

8 (a) The department shall have authority to investigate any actual, alleged, or suspected
9 violation of this chapter.

10 (b) Any individual, corporation, or entity found in violation of this chapter shall be subject
11 to enforcement and discipline with penalties assessed based on the degree of harm and the
12 circumstances of the violation pursuant to the enforcement and penalty provisions of chapter 63.2
13 of title 5.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- WELLNESS AND OVERSIGHT FOR
PSYCHOLOGICAL RESOURCES ACT

1 This act would establish an oversight process which would safeguard individuals seeking
2 therapy or psychotherapy services by ensuring that the services are delivered by qualified, licensed,
3 or certified professionals. In addition this act would protect consumers from unlicensed or
4 unqualified providers, including unregulated artificial intelligence systems, while respecting
5 individual choice and access to community-based and faith-based mental health support.

6 This act would take effect upon passage.

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