STATE OF NEW YORK

9106

2025-2026 Regular Sessions

IN ASSEMBLY

September 26, 2025

Introduced by M. of A. SIMON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to regulating the use of artificial intelligence in the provision of therapy or psychotherapy services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "oversight of technology in mental health care act".

§ 2. The education law is amended by adding a new section 6517 to read as follows:

§ 6517. Use of artificial intelligence in mental health care. 1. For the purposes of this section:

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

(i) managing appointment scheduling and reminders;

(ii) processing billing and insurance claims; and

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

(b) "Artificial intelligence" has the same meaning as such term is defined in section seventeen hundred of the general business law.

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

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

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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

(iii) through the use of deceptive actions.

(d) "Licensed professional" means an individual who holds a valid license, credential, or certification issued by this state to practice as a psychologist, social worker, mental health practitioner, professional substance use counselor, professional substance use prevention practitioner, or to otherwise provide therapy or psychotherapy services including:

(i) a licensed mental health counselor;

(ii) a licensed marriage and family therapist;

(iii) a licensed creative arts therapist;

(iv) a licensed psychoanalyst;

(v) a licensed master social worker;

(vi) a licensed clinical social worker;

(vii) a credentialed alcoholism and substance abuse counselor;

(viii) a credentialed prevention professional;

(ix) a credentialed prevention specialist;

(x) a credentialed alcoholism and substance abuse counselor, credentialed prevention professional, or credentialed prevention specialist with an additional gambling designation;

(xi) a certified problem gambling counselor;

(xii) a credentialed alcoholism and substance abuse counselor trainee;

(xiii) any other person holding any other credential that may be overseen by the office of addiction services and supports; or

(xiv) any other professional licensed, credentialed, certified, or otherwise authorized by this state to provide therapy or psychotherapy services, except for a physician.

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

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

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

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

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

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

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

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

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

(iii) offering emotional support, reassurance, or empathy in response to psychological or emotional distress;

(iv) collaborating with clients to develop or modify therapeutic goals or treatment plans; and

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

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

(j) "Permitted use of artificial intelligence" means the use of artificial intelligence tools or systems by a licensed professional to assist in providing administrative support or supplementary support in therapy or psychotherapy services where the licensed professional maintains full responsibility for all interactions, outputs, and data use associated with the system and satisfies the requirements of subdivision two of this section.

2. No licensed professional shall be permitted to use artificial intelligence to assist in providing supplementary support in therapy or psychotherapy services where the client's therapeutic session is recorded or transcribed unless:

(a) the patient or the patient's legally authorized representative is informed in writing of the following:

(i) that artificial intelligence will be used; and

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

(b) the patient or the patient's legally authorized representative provides consent to the use of artificial intelligence.

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

(b) A licensed professional may use artificial intelligence only to the extent that such use meets the requirements of subdivision two of this section. A licensed professional may not allow or otherwise use artificial intelligence to do any of the following:

(i) make independent therapeutic decisions;

(ii) directly interact with clients in any form of therapeutic communication;

(iii) generate therapeutic recommendations or treatment plans without review and approval by the licensed professional; or

(iv) detect emotions or mental states.

4. All records kept by a licensed professional and all communications between an individual seeking therapy or psychotherapy services and a licensed professional shall be confidential and shall not be disclosed except as required under any provisions of this article or section 33.13 of the mental hygiene law.

5. (a) Any individual, corporation, or entity found in violation of this section shall pay a civil penalty in an amount not to exceed fifty thousand dollars per violation, as determined by the commissioner, with penalties assessed based on the degree of harm and the circumstances of the violation. Such civil penalty shall be assessed commissioner after a complaint is made and a hearing is held in accordance with section

sixty-five hundred ten of this article. An individual, corporation, or entity found in violation of this section shall pay the civil penalty within sixty days after the date of an order by the commissioner imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from a court of record.

(b) The commissioner shall have authority to investigate any actual, alleged, or suspected violation of this section.

6. This section does not apply to the following:

(a) religious counseling;

(b) peer support; and

(c) self-help materials and educational resources that are available to the public and do not purport to offer therapy or psychotherapy services.

§ 3. This act shall take effect immediately.