

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:

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

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

5 § 6517. Use of artificial intelligence in mental health care. 1. For
6 the purposes of this section:

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

11 (i) managing appointment scheduling and reminders;
12 (ii) processing billing and insurance claims; and
13 (iii) drafting general communications related to therapy logistics
14 that do not include therapeutic advice.

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

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

22 (i) the acceptance of a general or broad terms of use, agreement or a
23 similar document that contains descriptions of artificial intelligence
24 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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1 (ii) an individual hovering over, muting, pausing, or closing a given
2 piece of digital content; or

3 (iii) through the use of deceptive actions.

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

10 (i) a licensed mental health counselor;

11 (ii) a licensed marriage and family therapist;

12 (iii) a licensed creative arts therapist;

13 (iv) a licensed psychoanalyst;

14 (v) a licensed master social worker;

15 (vi) a licensed clinical social worker;

16 (vii) a credentialed alcoholism and substance abuse counselor;

17 (viii) a credentialed prevention professional;

18 (ix) a credentialed prevention specialist;

19 (x) a credentialed alcoholism and substance abuse counselor, creden-
20 tialed prevention professional, or credentialed prevention specialist
21 with an additional gambling designation;

22 (xi) a certified problem gambling counselor;

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

24 (xiii) any other person holding any other credential that may be over-
25 seen by the office of addiction services and supports; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (j) "Permitted use of artificial intelligence" means the use of arti-
14 ficial intelligence tools or systems by a licensed professional to
15 assist in providing administrative support or supplementary support in
16 therapy or psychotherapy services where the licensed professional main-
17 tains full responsibility for all interactions, outputs, and data use
18 associated with the system and satisfies the requirements of subdivision
19 two of this section.

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

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

26 (i) that artificial intelligence will be used; and

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

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

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

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

40 (i) make independent therapeutic decisions;

41 (ii) directly interact with clients in any form of therapeutic commu-
42 nication;

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

45 (iv) detect emotions or mental states.

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

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

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

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

9 6. This section does not apply to the following:

10 (a) religious counseling;

11 (b) peer support; and

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

15 § 3. This act shall take effect immediately.