MN HOUSE RESEARCH

Bill Summary

H.F. 3893

Second engrossment

Subject	Artificial intelligence systems in therapy or psychotherapy services
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Overview

This bill requires therapy or psychotherapy services to be provided by a licensed professional and prohibits a licensed professional from using artificial intelligence systems to make therapeutic decisions, for therapeutic communications, and for other purposes. It also allows licensed professionals to use artificial intelligence systems to assist with administrative or supplementary support, provides for enforcement of this section, and exempts certain counseling and materials from this section.

Summary

Section	Description
1	**Regulating use of artificial intelligence in psychotherapy services.** Adds § 214.165. Requires therapy or psychotherapy services to be provided by a licensed professional. Prohibits artificial intelligence systems from being used to make therapeutic decisions or for therapeutic communications, but allows these systems to be used to assist with administrative or supplementary support. Establishes requirements for certain chatbots and requires informed consent for a licensed professional to use ambient listening. Provides for enforcement of this section, and exempts certain counseling and materials from this section.

Subd. 1. Definitions. Defines terms for this section: administrative or supplementary support, ambient listening, artificial intelligence system, licensed professional, peer support, religious counseling, therapeutic communication, therapy or psychotherapy services.

Subd. 2. Prohibited uses of artificial intelligence. Requires therapy or psychotherapy services provided to the public in this state to be provided by a licensed professional. Prohibits a licensed professional from using an artificial intelligence system to make independent therapeutic decisions, for therapeutic communication, to generate therapeutic recommendations or treatment plans

Section Description

unless these are reviewed and approved by the licensed professional, or to provide psychological or psychosocial assessment services.

Subd. 3. Permitted uses of artificial intelligence. Allows a licensed professional to use artificial intelligence systems to assist with administrative or supplementary support, if the licensed professional takes full responsibility for interactions, outputs, and data use associated with the system.

Subd. 4. Public protections. If a licensed professional uses a chatbot to communicate with a client, requires the chatbot to advise the client to consult with a family member, friend, or licensed professional if the client communicates mental health thoughts, feelings, symptoms, or a diagnosis, or thoughts of self-harm or harm to others. Requires a licensed professional to obtain a client's informed consent before using ambient listening, and lists information the licensed professional must provide to the client as part of the informed consent process.

Subd. 5. Enforcement, penalties, and hearings; licensed professionals. Establishes a civil penalty of up to $50,000 for a licensed professional who violates this section. Requires the health-related licensing board that regulates the relevant profession to determine the penalty amount and to provide notice of the violation and penalty to the licensed professional. Allows a licensed professional to request a contested case hearing, and specifies a timeframe within which the civil penalty amount must be paid. Provides health-related licensing boards that regulate licensed professionals have authority to investigate violations of this section, determine whether licensed professionals violated this section, and impose disciplinary action. States this section does not limit the duty of a health-related licensing board to regulate licensed professionals in a way that protects the health, safety, and welfare of the public.

Subd. 6. Enforcement; other individuals, entities, corporations. Permits the attorney general to enforce this section under section 8.31 against an individual other than a licensed professional; a corporation; or an entity that violates this section.

Subd. 7. Exceptions. Provides this section does not apply to religious counseling, peer support, or self-help materials and educational resources available to the public that do not offer therapy or psychotherapy services.

Effective date: day following final enactment.

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