

## COMPARISON OF H.644 AND H.816 (AS INTRODUCED)

Category	H.644 - AI Mental Health Services Prohibition	H.816 - Regulating AI Use by Mental Health Professionals
Core Policy Goal	Prevent AI-delivered mental health services due to safety risks	Preserve human clinical authority while allowing limited AI support
Overall Tone	Consumer-protection and harm-prevention focused	Professional standards and clinical ethics focused
Who It Regulates	Any person, corporation, or entity + mental health professionals	Primarily mental health professionals and regulated practice settings
Definition of Mental Health Services	Very broad — includes peer support, therapy, treatment planning, emotional interpretation	Slightly narrower; excludes some peer support and religious counseling contexts
Advertising Rule	Cannot offer/advertise mental health services using AI in whole or in part	Cannot advertise AI as providing therapeutic judgment or therapy
AI as Therapist	Prohibited	Prohibited
AI Treatment Plans / Emotion Detection	Explicitly prohibited	Explicitly prohibited
AI Direct Client Interaction	Prohibited	Prohibited
Administrative Uses of AI	Allowed but narrowly defined; strong consent + confidentiality rules	Allowed more broadly (admin, supplementary, quality improvement, workforce planning)
Supplementary Support Category	Not included	Explicitly included as permitted use
Consent Requirements	Required for transcription/recording and processing identifiable therapy data	Similar consent requirement but slightly more flexible framing
Professional Discipline Hook	Adds misuse of AI as unprofessional conduct	Same unprofessional conduct provision
Consumer Protection Enforcement	Explicit \$10,000 civil penalty language	Consumer Protection Act enforcement without explicit penalty amount
Scope of Prohibition	Broader — bans services using AI 'in whole or in part'	Narrower — bans therapeutic decision-making and communication by AI
Policy Philosophy	AI therapy can be dangerous	AI can assist administratively, but humans must remain the clinicians
Effective Date	On passage	On passage