

Proposed Amendment to H.816
National Association of Social Workers, Vermont Chapter
April 9, 2026

Sec. 1. PURPOSE

It is the purpose of this act to safeguard individuals seeking mental health services in Vermont from psychological harm, including death by suicide, by ensuring that these services are delivered by mental health professionals and not independently by artificial intelligence systems.

Sec. 2. 18 V.S.A. § 7115 is added to read:

§ 7115. PROHIBITED USE OF ARTIFICIAL INTELLIGENCE

(a) As used in this section:

(1) “Artificial intelligence” means any machine-based system, software, or algorithm that, depending on human objectives, is capable of perceiving an environment through data acquisition and then processing and interpreting the derived information to take an action or to imitate intelligent behavior, such as natural language processing, pattern recognition, predictive analytics, offering recommendations, or decision making.

(2) “Mental health services” means counseling, therapy, or psychotherapy services used to diagnose or treat an individual’s mental or behavioral health or provide ongoing recovery support, including providing therapeutic decisions, issuing direct therapeutic communications, generating treatment plans or recommendations, or detecting or interpreting emotions or mental states.

(3) “Mental health professional” means an individual licensed, certified, or rostered, respectively, to provide mental health services as a physician pursuant to chapter 23 or 33 of this title; an advance practice registered nurse specializing in psychiatric mental health pursuant to chapter 28 of this title; a psychologist pursuant to chapter 55 of this title; a peer support provider or peer recovery support specialist pursuant to chapter 60 of this title; a social worker pursuant to chapter 61 of this title; an alcohol and drug abuse counselor to chapter 62 of this title; a clinical mental health counselor pursuant to chapter 65 of this title; a marriage and family therapist pursuant to chapter 76 of this title; a psychoanalyst pursuant to chapter 77 of this title; or an applied behavior analyst pursuant to chapter 95 of this title; and a non-licensed or noncertified psychotherapist, noncertified psychoanalyst, or any other professional that provides mental health services.

(4) “Therapeutic communication” means a written, verbal, or nonverbal interaction conducted in a professional therapeutic setting intended to diagnose or treat any type of mental or behavioral health concern, provide ongoing recovery support, or provide any advice related to diagnosis, treatment, or recovery, such as:

(A) engaging in direct interactions with clients or patients for the purpose of understanding or reflecting their thoughts, emotions, or experiences;

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

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

(D) collaborating with a patient or client to develop or modify treatment plans or therapeutic goals; and

(E) delivering feedback intended to promote growth or address mental health conditions

(b) No individual, corporation, or other entity may provide or otherwise offer mental health services through artificial intelligence without the involvement of a licensed mental health professional.

(c) (1) A violation of this section by corporations or other unlicensed entities or persons shall be deemed a violation of the Consumer Protection Act, 9 V.S.A. chapter 63. The Attorney General has the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions, and private parties have the same rights and remedies, as provided under 9 V.S.A. chapter 63, subchapter 1. Each violation of this section shall carry a civil penalty of \$10,000.00 as set forth in 9 V.S.A. § 2461

(2) A violation of this section by licensed professionals shall be deemed unprofessional conduct in violation of 3 V.S.A. 129(a)

(d) Nothing in this section shall preclude a licensed mental health professional, operating within their scope of practice, from utilizing FDA-authorized or HIPAA compliant artificial intelligence tools provided the provided the licensed mental health professional reviews and approves any therapeutic communications.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.