for a diverse, competent, and sustainable
Medicaid mental health workforce

Policy Title: AI Mental Health Care Regulation

Challenge: The emergence of software that mimics the experience of human conversation has created damage as people are drawn into a para-relationship with AI chatbots. Software companies are marketing these experiences as “therapy” or “counseling” or “psychotherapy” without regard for those terms of art being protected by state licensing boards. The state is responsible for the consumers’ safety, particularly in medical and mental health care settings. The state does not allow a person to hold themselves out as a medical professional without education, examination, supervision, peer oversight, and board consequences. None of that is present in the current permissive environment for these software products.

AI text recognition and automatic document processing has introduced automated prior authorization processing. There is scant research and evidence about these opaque processes and AI could determine an authorization for health care in error.

Proposal: Amend CRS _ to include that no software product may be marketed as a mental health care provider in any way. Amend Colorado’s Mental Health Practice Act to include that seeking consultation or supervision from software products is substandard practice. Amend CRS _ to prohibit AI generated denials of prior authorization, allowing approvals.

Fiscal Note: 0$