This is an amendment to 16.27.18 NMAC to add Section 24, effective 11/18/2025.

16.27.18.24   ETHICAL USE OF AI IN COUNSELING AND THERAPY PRACTICE: Counselors and therapists must ensure that the use of Artificial Intelligence (AI) in their practice (for note taking, treatment planning, diagnosing, supervision etc.) aligns with ethical standards and prioritizes client/supervisee well-being, confidentiality, and informed consent. The following rules must be adhered to when incorporating AI tools into counseling and therapy practices.
          A.   Informed consent: Clients must be informed about the use of AI in their treatment, including the type of AI tools being used, their purpose, and any potential risks or limitations. Clients must provide informed consent before AI tools are employed in their treatment.
          B.   Confidentiality and privacy: AI tools must comply with all relevant privacy laws and regulations (e.g., HIPAA). Practitioners are responsible for ensuring that AI systems protect client data, maintain confidentiality, and prevent unauthorized access or misuse of sensitive information.
          C.   Competence and training: Practitioners must receive adequate training on the use of AI tools and maintain competence in their application. This includes understanding how the AI operates, interpreting its outputs correctly, and recognizing its limitations.
          D.   Transparency: AI tools should be used in a manner that is transparent to clients. Practitioners must explain how AI contributes to the therapy process and be prepared to discuss any AI-generated insights or recommendations with clients.
          E.   Human oversight: AI must augment, not replace, the therapist's judgment. Practitioners must maintain human oversight over the therapeutic process, ensuring that decisions and interventions are ultimately made by the therapist based on professional judgment and client-specific factors.
          F.   Bias and fairness: Practitioners must be aware of and address potential biases in AI algorithms. Efforts should be made to ensure that AI tools used in practice are free from bias and do not contribute to discriminatory practices.
          G.   Accuracy and reliability: AI tools must be used only if they are proven to be accurate and reliable for the intended purpose. Practitioners should regularly review and assess the performance of AI tools to ensure they remain appropriate for use in therapy.
          H.   Client/Supervisee autonomy: The use of AI must respect and support client/supervisee autonomy. Clients must be given the option to opt-out of the use of AI assistance without any negative impact on the quality of care provided.
          I.   Continuous monitoring: Practitioners should continuously monitor and evaluate the impact of AI on therapy outcomes. Any adverse effects or ethical concerns arising from the use of AI should be addressed promptly.
          J.   Regulatory compliance: The use of AI in counseling and therapy must comply with all relevant legal and regulatory standards. Practitioners should stay informed about evolving regulations and best practices related to AI in mental health care, including the needs related to liability insurance.
[16.27.18.24 NMAC – N, 11/18/2025]