



Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

February 25, 2026

The Honorable Heather Bagnall
Chair, House Health Committee
241 Taylor House Office Building
Annapolis, MD 21401

RE: House Bill 995 – Health Occupations - Behavioral Health Care Providers - Use of Artificial Intelligence– Letter of Opposition

Dear Chair Bagnall and Committee Members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for House Bill (HB) 995 – Health Occupations - Behavioral Health Care Providers - Use of Artificial Intelligence. Effective October 1, 2026, HB 995 would prohibit behavioral health providers from using artificial intelligence (AI) to provide behavioral health care to a patient, including assessment, diagnosis, treatment, counseling, or case management services and therapeutic communications. However, the bill would permit behavioral health providers from using AI to assist the provider in performing “administrative support tasks” so long as the provider (1) ensures compliance with all applicable State and federal laws and regulations governing the privacy and security of protected health information; (2) signs an agreement with the AI system owner to ensure the information included will not be used to train the AI; and (3) provides verbal and written notice to each patient.

Through the Behavioral Health Administration (BHA), the Department oversees the licensing of over 1,130 community-based behavioral health organizations across 5,508 sites. The Department is concerned about the permissibility of the use of AI in administrative tasks that may interfere with BHA’s ability to determine compliance with Code of Maryland Regulations at 10.63 et seq. BHA requires providers to keep documentation of diagnosis, symptoms, individualized treatment planning, critical incidents, and discharge and transition planning. To ensure that these and other compliance-related criteria are met, this bill would require BHA to carefully monitor provider organizations’ use of AI to ensure that the technology is not used to provide behavioral health care and to ensure that the permissible administrative tasks do not lead to fraud, waste, or abuse through, for example, AI generating an inaccurate summary of a patient concerns or inaccurate or incomplete documentation of treatment. BHA’s Office of Licensing and Compliance does not have the capacity or technical expertise to vet the myriad of electronic health records systems and embedded or separate AI tools to ensure that providers are complying with the requirements of the bill.

The Department is concerned about the ability to appropriately and comprehensively monitor the myriad of AI tools to ensure that they are configured in a manner so as to be HIPAA compliant and be assured that the tools are not using patient records to train large language models. Finally, there is a concern that the use of AI in administrative tasks may lead to a decrease in the quality or continuity of care (e.g., if scheduling via AI leads to higher call abandonment) which may increase complaints or critical incidents. At present, neither BHA nor the Department has the technical, administrative, or infrastructure capacity to ensure compliance with the requirements of this bill.

Despite these operational challenges, the Department appreciates the bill's intention to limit the use of AI in behavioral health treatment for Maryland's residents. If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at Meghan.Lynch@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, M.D., Ph.D
Secretary of Health