



HB995 Health Occupations - Behavioral Health Care Providers - Use of Artificial Intelligence
Position: FAV

February 25, 2026

The Honorable Heather Bagnall, Chair
Health Committee
Room 240, House Office Building
Annapolis, Maryland 21401
cc: Members, Health Committee

Chair Bagnall and Members of the Committee,

Economic Action Maryland Fund submits this letter in support of HB995. HB995 prohibits behavioral health care providers from using AI to provide an assessment, diagnosis, treatment plan, counseling, or therapeutic communications.

As AI becomes increasingly popular in a wide-range of professional settings, it is critical that care is taken to ensure that it is used judiciously, particularly when dealing with sensitive information and in particular settings.

When using AI in any healthcare setting, but particularly when providing sensitive treatment for behavioral health, caution is called for. However, the need for a cautious approach is bolstered by recent research. In an October 2025 [study](#) at Brown University, chatbots systematically violate ethical standards by *inappropriately navigating crisis situations, providing misleading responses that reinforce users' negative beliefs about themselves and others, and creating a false sense of empathy*. The study also found that AI exhibited discrimination, failed to contextualize situations based on lived experience, and responded indifferently to crisis situations like suicidal ideation.

A [Stanford University study](#) drew similar conclusions while also finding that AI exhibited greater stigma towards those with alcohol dependence or schizophrenia compared to individuals with depression which may reinforce negative self-images among those seeking support.

While therapists may also exhibit concerning behavior, unlike AI, therapists are held accountable by their governing boards.

Another concern is around data privacy and security. Using open AI models like ChatGPT pose certain risks. First, once data like a person's name and illness is put into an open AI model, that

Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

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data can be used to train the LLM. Open AI can use the data without further notice to the individual and does not have to comply with HIPPA.

HB995 does allow behavioral health specialists to use AI for administrative functions, striking a generous balance between patient privacy and protection with innovation.

For all these reasons, we support HB995 and urge a favorable report.

Best,

Marceline White
Executive Director

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