

STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals
OFFICE OF THE DIRECTOR
14 Harrington Road
Cranston, RI 02920-3080

TEL: (401) 462-3201
FAX: (401) 462-3204
TDD: (401) 462-6087

March 24, 2026

The Honorable Victoria Gu, Chair
Senate Committee on Artificial Intelligence and Emerging Technologies
State House
Providence, RI 02903

RE: 2026 — S 2197 — An Act Relating to Behavioral Healthcare, Developmental Disabilities and Hospitals – Oversight of Artificial Intelligence Technology in Mental Health Care Act

Dear Chair Gu:

Please accept this letter regarding S 2197, which would establish regulations regarding the use of artificial intelligence in mental healthcare treatments.

As artificial intelligence has the potential to significantly impact the delivery of behavioral healthcare services, and because this legislation impacts multiple state agencies that share licensure and oversight responsibility, including the RI Department of Health (RIDOH), the Executive Office of Health and Human Services (EOHHS) and the Office of Health Insurance Commissioner (OHIC), a comprehensive review across these agencies is necessary to ensure that there are no unintended consequences and the legislation is implemented as intended.

BHDDH, as the State's Single State Agency (SSA) for mental health and substance use disorders, has an obligation to ensure that Rhode Island citizens receive high quality behavioral healthcare and that they remain protected through statutory compliance with the relevant provisions of state and federal law as they pertain to confidentiality, including the requirements of the Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR Part 2.

This bill adds R.I. Gen. Laws Chapter 40.1-5.5 to Title 40.1, under which BHDDH has authority to oversee mental health and substance use disorder prevention, treatment and recovery services. However, the bill authorizes the Director of RIDOH to promulgate rules and regulations related to the new Chapter and references R.I. Gen. Laws Chapter 40.1-5 (Mental Health Law) which authorizes the Director of RIDOH to investigate and impose penalties related to violations of R.I. Gen. Laws Chapter 5-37.3 by RIDOH-licensed healthcare providers or their agents.

The definition of licensed professionals who would be subject to the provisions of S 2197 includes individuals who do not hold professional licenses, including licenses issued by RIDOH. The definition of licensed professional also does not include physicians who are licensed by RIDOH and who provide behavioral healthcare services authorized under Title 40.1.

We appreciate the efforts of the sponsors to seek regulatory oversight over the expanding scope of artificial intelligence as it relates to behavioral healthcare. We look forward to working with the members of this Committee and our agency partners to ensure that the goals of the bill are fulfilled.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Leclerc".

Richard Leclerc
Director

cc: Honorable Members of the Senate Committee on Artificial Intelligence and Emerging Technologies
Honorable Lori Urso
Kristen Silvia, Director of Legislation and Deputy Chief of Staff