Statement from the South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists on the Use of Artificial Intelligence

As the field of mental health counseling evolves, the integration of technology, specifically Artificial Intelligence (AI), offers innovative tools that can be used by counselors, marriage and family therapists, addiction counselors, and psycho-educational specialists (hereinafter referred to as "Professionals") to enhance the therapeutic process. The South Carolina Board recognizes the potential benefits of AI in supporting counselors, therapists and specialists in their professional duties, particularly in areas such as session documentation, note-taking, and treatment planning. The Board offers the following guidance for the ethical and safe use of AI in counseling. This guidance is intended for associate licensees and psycho-educational specialist supervisees, as well as fully licensed individuals.

Client Confidentiality

Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists have an ethical and legal responsibility to protect client privacy and confidentiality, including when using or storing client data with AI tools. Any AI tool used must be compliant with HIPAA, and with state and federal privacy laws. Policies and safeguards must be in place to prevent unauthorized disclosure, access, or use. Any AI tool utilized should ensure that sensitive client information is securely stored and transmitted. Personal identifying information and personal health information should be protected during and after the conclusion of treatment.

Informed Consent

Professionals should inform clients about the use of AI tools, explaining their purpose and functionality. Informed consent should be obtained, allowing clients to understand how their data will be used. Clients should have full autonomy over whether and how their data is used, retained, and/or stored, particularly in regards to the use of their data for AI model training. The client should have the option to have their data encrypted, de-identified after the session, and/or deleted from the AI platform or cloud storage. Clients should be advised of their right to opt out of AI-supported therapy.

Professional Oversight

While AI can assist in administrative tasks, the Professional remains the primary decision-maker in the therapeutic process. AI should be used as a supplemental tool, and complement, not replace the Professional's expertise and professional judgment, or the counselor/therapist/specialist-client relationship. The Professional is responsible for competency in assessment, diagnosis, and treatment.

Client Welfare

As with any service delivered, the Professional's primary responsibility is advancing client welfare and the ethical delivery of care. AI integration must demonstrably meet this directive. If client well-being may be compromised, alternative approaches should be used.

Cultural Competence

Any AI tools used must be designed to consider the diverse backgrounds and needs of clients. Professionals should remain vigilant about potential biases in AI algorithms and ensure that the tools used are appropriate for their clients.

Competence in the use of AI and Continuing Education

Prior to integrating AI in their practice, Professionals must possess a foundational knowledge of how the technology works, its capabilities and limitations, and the ethical use of client data. Professionals are encouraged to engage in ongoing education about AI technologies to stay informed about best practices, ethical implications, and emerging trends in the field.

Emergency Situations

AI should **not** be relied upon in crisis situations. The Professional must manage emergencies with appropriate human intervention and support.