BC ASSOCIATION
of CLINICAL COUNSELLORS

AI AND CLINICAL PRACTICE

Ethical Considerations and Implications for Mental Health Professionals

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AI and Clinical Practice: Ethical Considerations and Implications for Mental Health Professionals

In the rapidly evolving landscape of mental health care, the integration of artificial intelligence (AI) presents profound opportunities and significant ethical challenges. AI stands to revolutionize therapeutic services, including psychotherapy/clinical counselling. However, the adoption of AI into therapeutic service provision necessitates careful consideration of ethical principles, regulatory compliance, and professional responsibilities.

This guideline aims to provide psychotherapists/clinical counsellors with a framework for the integration of AI into mental health service provision through an ethics focused lens by:

1. Ensuring that practitioners use AI tools and services responsibly to enhance therapeutic outcomes.
2. Safeguarding client rights
3. Maintaining high standards of professional practice

AI in mental health services is a matter that is both dynamic and multifaceted. It requires continuous professional development and learning, collaboration, and adaptation. These guidelines aim to support professionals in leveraging the benefits of AI while addressing ethical, legal, and operational challenges. As well, they also seek to promote best practices that align with values of transparency, fairness, and accountability, confidentiality and privacy, as well as mental health professional's competency.

The successful integration of AI into mental health service provision depends upon the collective commitment to ethical practice, ongoing and continuous professional development, and client-centered care. These guidelines aim to assist psychotherapists/clinical counsellors in ensuring that their use of AI contributes positively to mental health service provision, supporting innovation and improved of client outcomes**.**

Getting Started

When considering integrating artificial intelligence (AI) into your clinical practice, it is important to first understand that the term AI does not refer to one single type of technology. In the same way that "therapy" can refer to couples therapy, play therapy, cognitive behavioural therapy, AI encapsulates a broad spectrum of tools and subfields. For instance:

- **Natural Language Processing (NLP)**
  - An NLP-enabled platform analyzes therapy session transcripts (with client consent) to detect emotional tone, track key themes, or identify risk-related language (e.g., words associated with self-harm or severe depression).
  - In practice: A therapist might use an NLP-powered note-taking system that automatically generates summaries of each session, highlights important points for follow-up, and flags phrases suggesting clinical risk so they can be addressed in subsequent sessions.

- **Machine learning algorithms**
  - A machine learning model takes in multiple data points (e.g., demographics, past session outcomes, psychometric scores) to suggest the most effective evidence-based interventions for specific client profiles.
  - In practice: An application that helps therapists identify patterns in large datasets—such as which client characteristics correlate with better responses to cognitive behavioral therapy vs. dialectical behavior therapy—thereby aiding in more personalized treatment planning.

- **Advanced data analytics**
  - The use of sophisticated techniques - like predictive modeling, machine learning, and data mining[1] - to derive deeper insights, patterns, and forecasts from complex or large-scale data.
  - In practice: A therapist or clinic could use data dashboards that visually display client progress, session outcomes, or population-level trends. These insights can inform strategic decisions, such as adjusting scheduling practices during peak drop-off periods or developing group interventions for common presenting problems.

- **Predictive modeling**
  - The use of data and algorithms to forecast future outcomes by learning from historical and current data.
  - In practice: Therapists receive alerts when a client's risk score exceeds a certain threshold, prompting earlier intervention (e.g., check-in calls, scheduling additional sessions). This proactive approach can help prevent crises and improve overall client outcomes.

This is not an exhaustive list of AI options in psychotherapy, currently or to come. Rather, it illustrates that AI, like therapy, is a field that offers a variety of options to address a variety of needs. As such, the first step is to conduct a short self-assessment to determine what you are trying to

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[1] **Data mining** is the process of discovering hidden patterns and relationships in large datasets using statistical and computational methods.

achieve or accomplish, in the same way that you would assess what clinical intervention would best suit and support the client you are working with.

You regularly support youth who experience moderate to severe suicidality, and you would like to better be able to anticipate and respond to periods of escalating risk of a suicide attempt. In this case, you may be interested in exploring predictive modelling AI tools.

Alternatively, you would like to expand your private practice and take on more clients, but your ability to do so while balancing the other demands and obligations in your life is impeded by the time needed to keep up with your clinical documentation. In this case, you may be interested in looking into NLP2 tools that can help you with transcribing and focusing your clinical notes.

Whatever your need is, the correct type of AI should be **chosen with intention and goodness-of-fit** in mind in the same way as therapeutic interventions for clients.

Evaluating Your Options

Once you have determined what type of AI you would like to integrate into your clinical practice, your next step is to evaluate your options for service. Unless you are planning to develop, deploy, and maintain your own AI system, you will be exploring the variety of options available to you on the market. You may have already heard of one or two already; however, due diligence is always recommended and at this stage it would include conducting a search for similar tools or services to compare and contrast.

What is the difference between an AI tool and an AI service?

The difference between an AI *tool* and an AI *service* often comes down to how the technology is packaged, delivered, and integrated into clinical or operational contexts:

AI Tool

- **Definition:** An AI tool is typically a piece of software or functionality that you - or your organization - can install, host, or run on your own systems. It may come in the form of a standalone application or a module that you integrate into an existing platform (e.g., electronic health record software).

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[2] NLP: Natural Language Processing - A branch of AI that focuses on the interaction between computers and human language, enabling tasks like text analysis, sentiment detection, and conversational interfaces such as chatbots.

- **Key Characteristics:**
  - o You have more direct control over how the tool is used, configured, and updated.
- Installation may require technical expertise to set up and maintain (e.g., server space, software updates, data security protocols).
- You might pay a one-time license fee or periodic maintenance fees, but you are responsible for ensuring the infrastructure and compliance standards are met (e.g., PIPEDA in Canada).

An example of an AI *tool* could be a locally hosted NLP engine that analyzes therapy session transcripts to highlight key themes. You (or your IT[3] department) manage the data storage, security, and integration with clinical documentation systems.

AI Service

- **Definition:** An AI service is typically delivered via the cloud, often "as-a-service," meaning the provider takes care of hosting, maintenance, and ongoing updates. You access the AI through a subscription, an API (application programming interface), or a web-based portal.
- **Key Characteristics:**
  - o Lower technical overhead because you do not need to host the software or maintain servers.
  - o Often subscription-based; you pay according to usage, number of users, or tier of service.
  - o The service provider typically manages security patches and feature updates, but you must ensure that their data-handling practices comply with relevant privacy and ethics regulations.

An example of an AI *service* could be a predictive modeling service for mental health risk assessment that runs on the provider's servers. You securely upload anonymized client data, and the service returns risk scores or alerts by way of a simple dashboard or API.

Evaluating Options Step 1: Legislative Compliance

Once your comparison list of possible AI tools/services is ready, step one is to evaluate the tools/ service for regulatory compliance. Any AI tool/service that you decide to integrate into your clinical practice must be compliant with any and all applicable regulations and laws where you provide service.

As AI policy and governance develop and emerge across the globe, psychotherapists/clinical counsellors using AI technology or thinking about using AI technology will need to stay abreast of

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[3] IT: Information technology

legislative and regulatory changes in their geographical region and the geographical regions of their clients. For instance, if you serve virtual clients in Canada and Germany, your AI tool/service must meet regulatory standards in both places (e.g., EU Artificial Intelligence Act, etc.).

The Artificial Intelligence and Data Act (AIDA), as part of Bill-C27, (The Digital Charter Implementation Act, 2022) was introduced in Canada in 2022. However, at the time of the release of this guideline it had not been passed. While much of AI legislation across the globe speaks to the design and development of AI technology, AIDA also includes a deployment component. This is to say that the act, should it or something like it come into effect in the future, may place requirements on how mental health professionals implement AI technology into their businesses. However, for now, the primary component of legislative compliance in Canada is the Personal Information Protection and Electronic Documents Act (PIPEDA)[4].

Most AI tools/services websites will identify if their tool/service is PIPEDA compliant. If a tool/service does not explicitly state they are compliant you have two options:

1) Remove that AI tool/service from your consideration.
2) Take the time to determine for yourself if the service is PIPEDA complaint by comparing the legislation with the tool/service.

Evaluating an AI tool/service for PIPEDA or any other regulatory compliance can be a meticulous and time-consuming task. However, mental health professionals would be prudent to remember that regardless of whether an AI tool/service website declares itself as complaint with regulation or not, **it is always your responsibility to ensure that their claims are accurate.**

Questions to ask yourself at Step 1 of choosing your AI tool/service:

- What regulations and/or laws apply in my geographical area and those of my clients?
- Does this AI tool/service comply with those regulations and laws?

Evaluating Options Step 2: Ethical Considerations

While regulation and laws are a necessary first step in choosing the right AI tool/service, they can and should be considered the minimum level of acceptability. In most jurisdictions mental health professionals including psychotherapists/clinical counsellors are guided by ethics and standards

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[4] https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/

of practice. Adherence to those ethical guidelines and standards are requirements of licensure and/or membership in any given professional association.

The BC Association of Clinical Counsellors (BCACC) requires its members to adhere to its Code of Ethical Conduct and Standards of Clinical Practice in all aspects of service provision as a registered clinical counsellor. This includes the integration of AI tools/services in your practice. For instance, the Code of Ethical Conduct, Principle III (c)(1) clearly requires mental health professionals to "...carefully manage risk by seeking to maximize benefits and minimize potential harm to individuals, relationships, families and groups, by stopping or mitigating the consequences of harmful, unethical, unsafe, or incompetent activities." This relates to the integration of AI tools/services into clinical practice by way of managing the risks associated with AI use. Risks include, but are not limited to, data protection, harms associated with inaccurate AI outputs (e.g., recommendations), and mental health professionals using AI tools/services that they do not adequately understand.

Broadly speaking, UNESCO's *Recommendation on AI Ethics*[5] and the OECD's *Recommendation of the Council on Artificial Intelligence*[6] are widely referenced and globally respected recommendations for ethical AI governance and policy. While these guidelines speak to the multiple and broad components of AI, they have been utilized as guiding documents for the development of this guideline.

When considering an AI tool/service for integration into clinical practice, the following can be considered as the guiding ethical concepts to consider:

- Fairness
- Accountability
- Transparency
- Confidentiality & Privacy
- Competency

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[5] https://unesdoc.unesco.org/ark:/48223/pf0000381137

[6] https://legalinstruments.oecd.org/en/instruments/oecd-legal-0449

What do these ethical concepts mean?

Fairness means treating all clients equally and without bias and ensuring that AI tools do not discriminate. In clinical practice, psychotherapists/clinical counsellors should use AI tools that avoid biases, discrimination, and the creation of new inequalities. This includes:

- Considering if the AI tool/service is regularly audited for biases by seeking information on how often the tool or service provider does this.
- Considering if the data used to train the AI tool/service in question is inclusive of data that represents your client population. For instance, an NLP service for developing clinical notes from audio recordings of sessions should be trained to accurately recognize and understand the different accents, languages and dialects, and even speech differences or impediments relevant to the clients that you serve.
- Considering how the AI tool/service is able to accommodate clients with diverse needs. This may include asking questions about testing groups used by the developer to ensure accessibility. As an example, if a mental health professional is considering utilizing an AI tool that will gather information from a client before the session on a tablet in the waiting room, does the tool utilize high-contrast user modes for clients with colour blindness or low vision?
- Choosing AI tools that consider cultural variations in mental health presentations and treatment preferences. For example, if a mental health professionals is considering an AI tool/service that aids in treatment plan development, considering how the tool/service has been trained to understand the differences in how undiagnosed clinical anxiety may present in a person of Indigenous, Eastern European, Indian, or Korean heritage, as examples, will be important.

Accountability requires the identification of a person or entity who is responsible for the outcomes of AI tool/service. This not only maintains trust and integrity but ensures that AI used in mental health settings are managed ethically and responsibly through a clear understanding of roles and responsibilities. This includes:

- Ensuring the AI tool/service is ethically reviewed and approved by appropriate internal committees, in the case of larger mental health organization settings before use (which is what you are doing right now).
- Assessing if the AI tool/service's ethical compliance remains acceptable for the entirety of its use by way of regular updates and audits. For example, while an AI tool/service may be ethically sound when you first considered it for use in your clinical practice, you may find that a year later the developer and/or service provider have not maintained regular updates for privacy or legal compliance or updating its training data for bias. In order to ensure that

you, the psychotherapist/clinical counsellor, remain accountable to your clients for the tool/service's ethical use it is important to ensure that you know how often your tool/service's updates take place. This demonstrates accountability from the tool/service provider and sets the parameters for you to remain accountable to your clients.

- Considering if the tool/service provider has systems in place to collect feedback, and processes to address and resolve issues. For example, if you have done your homework and decide upon using an NLP service for case note transcription, and you find that the system's notes related to sessions with your client from New Zealand are noticeably less accurate than other clients even though the tool/service was trained to recognize New Zealand accents and dialects, knowing the process to report this and how it is addressed/resolved not only demonstrates accountability by the tool/service provider but keeps you accountable to your clients as well.

- Ensuring that you, as the mental health professional, are always remaining in the loop of any and all AI tool/service outputs. **It is your responsibility to review clinical notes and transcriptions for accuracy and completeness, and to use your clinical judgement for any and all AI recommendations.**

Transparency refers to the practice of being open, clear, and straightforward about how things work. In the context of AI, it means ensuring that everyone involved understands how AI tools/services operate, how decisions are made, and what the impacts are. This includes:

- Understanding from the AI tool/service provider how the AI algorithm functions and how it makes decisions. For example, if a mental health professionals using a predictive analysis AI tool to get a better sense of when a client's depression is becoming higher risk for suicidality, being able to use clinical judgement (as discussed in the accountability section) is supported by understanding how the AI tool makes its decisions between the data going into the tool and the output being produced. **Where possible, it is recommended to use AI tools/services that include confidence levels in their recommendations** (this may not be applicable to all AI tools/services – e.g., NLP transcription for clinical notes**)**. AI tool/service providers that adhere to an elevated level of transparency provide voluntarily or on demand information on how their tools/systems work.

- Confirming that the AI tool/service provider explains how and why data is collected, where it is stored (if applicable), and for how long. For example, you may be considering using a virtual assistant AI service that manages scheduling, payment, and clinical file management. Understanding where the service's data centers are (e.g., where the hardware that holds the information in their system is located) is important as this can have data privacy implications (e.g., Canadian data held in the United States is subject to their laws and regulations, such as the Patriot Act). It is discouraged to utilize an AI service that is not transparent about where the data they collect is stored.

- Establishing the AI tool/service provider transparency is necessary. Identify if data is used for training their AI and what data may be used, and the process to opt out of having your or your client's data (anonymized or not) used for AI training. **Using practitioner and/or client data for AI training as well as having an opt-out mechanism is neither good nor bad; rather, it is a matter of preference and comfort**. What should be approached with caution is an AI tool/service provider that is not transparent, either upfront or on demand, with whether they utilize user data for training or not.
- Ensuring that you understand from the AI tool/service provider who owns the data that is collected and stored.

Confidentiality and privacy refer to the protection and privacy/security of sensitive information. This is central in the establishment and maintenance of trust and compliance with ethical standards in mental health service provision. Confidentiality ensures that client information remains private and is used appropriately within the therapeutic context.

Mental health professionals should be mindful that all data exists in two distinct states, in transit and at rest. Data in transit refers to data that is moving from one place to another, most often over the internet. For example, from the input location to a data center. Data at rest is stored data, such as in a data center. Confidentiality and privacy exist and should be considered in both contexts including:

- Ensuring that the AI tools/services that you are considering utilize strong encryption[7] methods for both data in transit and at rest.
- Confirming that AI tools/services being considered for use have robust access controls that restrict access to client information to authorized personnel only. For example, in the case of the AI virtual assistant, the service provider does not allow any and all of their staff or contracted personnel to access client data. Rather, they have specific staff/personnel that are trained and authorized to provide support with and/or access client data when necessary.
- Guaranteeing that AI tools/services are regularly subjected to security audits. Given that an AI service provider is most often responsible for hosting and maintenance, understanding the regularity at which they conduct security audits will be important to your AI service evaluation. However, if you are considering an AI tool (i.e., AI that you will install, host, or run on your own systems) then this is likely to be a component of utilizing AI that you will need to take on yourself. Audit frequencies are typically dependent upon the size of your

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[7] Encryption: The process of converting information into an unreadable format using an algorithm and a key, so that only authorized parties can access the original data.

practice/business/organization and your network security needs. **Twice a year is recommended.**

- Utilizing AI tools/services that have transparent privacy policies and data handling practices that are regularly updated to reflect technological changes and data protection legislation.
- Understanding what the data breach notification procedures are for the AI tool/service provider. A data breach notification procedure is a predefined plan outlining how an organization will identify, manage, and communicate any instance where protected or sensitive data has been accessed or disclosed without authorization. This plan typically outlines:
  - **Detection and Verification** - How to recognize and confirm a potential breach.
  - **Containment and Investigation** - Immediate steps to prevent further unauthorized access and assess the scope of the breach.
  - **Stakeholder Notification** - Which parties need to be informed (e.g., clients, regulators, business partners) and the required timelines or methods for doing so.
  - **Remediation** - The actions taken to mitigate damage, restore security, and reduce the risk of recurrence.
- Understanding any and all policies that the AI tool/service provider may have relate to your and/or a client's right to have their data deleted from databases and stop any further dissemination of that information.
  - While this is not included in PIPEDA, this is included in GDPR (Article 17).

Competency in the area of AI use by psychotherapists/clinical counsellors means having the requisite knowledge, skills, and ethical awareness to effectively select, implement, and oversee AI tools/services in clinical practice. This includes understanding the capabilities and limitations of AI technology, recognizing data privacy and security requirements, and ensuring the use of AI aligns with professional standards and client welfare. This includes:

- Considering whether you, the mental health professional, are able to be adaptable, which is to say being responsive to technological advancements and integrating new knowledge into ethical practices. In the absence of the ability and willingness to be adaptable, mental health professionals are encouraged to pause their implementation and use of AI tools/services into their clinical practice until they gain the knowledge and confidence to do so.
- Considering whether you, the mental health professional, are willing and able to integrate technological learning into your continuing competency development. Technological changes and developments occur regularly, and sometimes rapidly and in succession. If you are unwilling to add technological literacy and continuous education into your

professional development, it is recommended that you pause the implementation and use of AI in clinical practice until you are willing to do so.

- Ensuring that you and any other personnel (e.g., administrative staff) who use the AI tool/service are willing to participate in regular proficiency evaluations to ensure competency and identify areas for improvement. AI tools/services can sometimes take some adjustment to use proficiently, this includes after-update and system changes. Gaps in knowledge and competency are not always obvious. In the same way that AI tools/services should be audited regularly for security, users of AI should self-assess gaps and areas of improvement to ensure safe, responsible use.

Integrating Your Choice AI Tool/Service into Your Practice

While there are many questions and considerations for a mental health practitioner to consider when determining what kind of AI to consider, and then evaluating and choosing an option, the important considerations do not end there. Once you have chosen the particular AI tool/service that you know is legally compliant and feel comfortable with from an ethical considerations' perspective, the next step (aside from the actual logistics of subscribing to the service or purchasing and installing the tool) is to plan and implement important considerations related to ongoing legal and ethical considerations. For this, we return to our five domains of ethical AI.

Fairness

Consider how you, the mental health professional, will ensure that updates to your AI tool (e.g., updates to data for client demographics and current information) will be integrated?

- For instance, does the AI tool developer send notifications when updates are available for installation? If so, will those notifications go to the person responsible for installing them? Do you have a process for logging the updates once they are completed?
- Most often, AI services (as opposed to tools) do not require you, as the subscriber to the service, to conduct any updates on your end. However, how will you keep track that regular updates are taking place to ensure ongoing ethical compliance?

Consider how you will monitor your AI tool developer or service provider regularly auditing their tool/system for biases to ensure ongoing ethical compliance.

Accountability

If you are deploying an AI tool/service as part of a group practice or larger organization, who will be assigned the responsibilities included in ensuring ongoing ethical compliance (as a solo practitioner, you would be responsible for all of the following)? Such as:

- ensuring that regular updates and bias audits are occurring.
- ensuring that regular security updates and audits are occurring.
- maintaining communication with the AI tool developer/service provider, including the communication of feedback and following up on how that feedback was addressed and/or resolved.
- ensuring that the AI tool/service continues to be compliant with applicable regulation/legislation in all areas where clients receiving service reside.

Develop a contingency plan that details how to manage AI tool/service failure, including procedures for returning to non-AI methods if necessary.

- A prudent place to start with this process is to identify possible risks related to the AI tool/service's performance, including technical failures, data breaches, and incorrect outputs.

Transparency/ Confidentiality & Privacy

Collecting the information to inform your choice of AI tool/service is critical to being able to engage in transparency after deployment. While collecting the information at the evaluation stage may at first seem cumbersome (even in the context of being important) you, as the psychotherapist/clinical counsellor, will not be able to fulfill your ethical transparency/confidentiality and privacy obligations without that information.

At the deployment stage, transparency as an ethical consideration is dominated by informed consent. It is generally accepted that all people have the right to know when they are interacting with AI, when their data is coming into contact with AI, when their data is being used to train AI, and what options they have to opt-out of any of the aforementioned. This looks like:

1. Ensuring you receive **informed consent** from any and all clients whose data, **anonymized or not**, touches AI.
2. The mental health professionals being able to explain in simple terms how the AI tool functions and its role in the mental health service provision the client is seeking. This includes:
   a. How the AI algorithm functions, the data it uses, and how it makes decisions;

b. The benefits, risks, advantages, and drawbacks;

c. How and why data is collected and where it is stored;

d. Whether the AI tool/service in question uses client data to train AI, and any applicable opt-out options;

e. Explaining that they (the client) have the right to refuse to interact with or have their data interact with AI, without it impacting their access to mental health services.

3. The mental health professionals being able to explain, in simple terms, aspects related to data collection, transfer, storage, and retention. This includes:

a. What data is collected by the AI tool/service;

b. Whether or not the data collected is used to train AI. If the data is used to train AI, what opt-out options are available;

c. Where data is stored (e.g., data center, cloud, etc.)

d. How long is data stored for;

e. What security measures are in place to protect stored data in transit and at rest;

f. Any and all rights the client has to have their data deleted from databases and to stop the dissemination of their information.

4. Encouraging questions from clients and providing clear, honest answers.

If and when a client provides their informed consent to the use of AI in any aspect of their mental health service provision, documentation of that consent is critical. When thinking about this aspect, consider the following:

1. Using comprehensive consent forms that use simple terms to outline all aspects of AI use, including data handling and privacy;

2. Obtain client signatures to confirm consent and understanding;

3. Review consent forms periodically to ensure that your clients are still comfortable with the use of AI in their service provision;

4. Ensure that your consent forms are up to date and reflect the most current information available regarding the AI tool/service being used.

For clients that do not provide consent to the use of AI in receiving mental health services, psychotherapists/clinical counsellors should have policies and procedures in place to support a client's right to opt-out without impacting the client's ability to receive mental health services from you.

While governance and legislation related to ethical AI use is still emerging in many regions, including Canada, psychotherapists/clinical counsellors can expect that informed consent and client rights regarding AI is likely to be a component of future regulation. This consideration is

already reflected in aspects of the European Union AI Act[8] (e.g., article 52), the General Data Protection Regulation[9], and PIPEDA[10]. However, psychotherapists/clinical counsellors are duly reminded from Step 2 of this guideline that regulations and laws should be considered the minimum level of acceptability within their territorial scope, and do not supersede ethical best-practices when the latter holds a higher standard.

Competency

At the deployment stage, psychotherapists/clinical counsellors should ensure that they are adequately and appropriately trained in the use of the AI tool/service that they have selected for use. This also includes ensuring the competency of any other personnel that will be interacting with the AI tool/service.

Ethically Maintaining the Use of an AI Tool/Service

Ensuring ongoing legal and ethical compliance after you have deployed your selected AI tool/service into your clinical practice is essential. Given that you have already considered and planned for these considerations by following the earlier steps in this guide, maintaining ethical use of your selected AI tool/service centers around ensuring that you follow up regularly with your maintenance tasks.

It is important to remember that not all AI tools/services will require all the same considerations. For instance, an AI service that is supporting you with developing treatment plans has a higher impact than an AI service that is supporting with the writing of clinical notes. Both require you to be the "human-in-the-loop" to provide oversight and apply your clinical judgement before the finalization or implementation of the AI outputs; however, it is reasonable to expect that an AI tool/service that provides clinical support will be higher impact than one that provides administrative support.

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[8] https://artificialintelligenceact.eu/

[9] https://gdpr-info.eu/

[10] https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/p_principle/principles/p_consent/

Reflection Questions

1. Is the AI tool/service still complaint with all laws and regulations that apply to my practice (e.g.PIPA, PIPEDA)?
2. When did the AI tool/service provider last audit and update the AI for biases?
3. When did the AI tool/service provider last conduct a security audit and update?
4. Have all system updates that I have been prompted to conduct by the AI tool/service provider been completed in a timely fashion?
5. Have there been any updates to the AI tool/service provider's privacy policy and/or terms of service?
6. Do my client's consent forms reflect the most up to date information related to privacy, security, terms of service, and any other vital informed consent information?
7. Have I reviewed the consent my clients have previously provided with my clients to ensure ongoing informed consent?
8. Am I or others in my clinical practice due for a proficiency evaluation related to the AI tool/service being used?
9. Am I aware of any concerns, malfunctions, or erroneous outputs with the AI tool/service that I have not reported?

Ethically Retiring, Sunsetting, or Otherwise Discontinuing Your AI Tool/Service Use

Data Storage and Retrieval

AI Tool: You, as a mental health professional, often have direct control over data storage. You are responsible for backing up data, exporting it to a usable format, and securely deleting it (e.g., wiping hard drives or removing files from your internal servers).

AI Service: You, as a mental health professional, may need to request a full export of client data from the service provider before the service is discontinued or decommissioned. Following this step, the service provider is typically expected to permanently delete any copies they hold, and it is advisable to receive a written confirmation of data destruction.

Technical Decommissioning

AI Tool: Discontinuation may involve uninstalling software, removing user access, and ensuring any local or networked servers running the tool are properly decommissioned or repurposed. Support from IT professionals is highly recommended here.

AI Service: Typically, technical discontinuation/decommissioning is very straightforward in the context of an AI service, as you simply end your subscription or contract with the service provider. The service provider then disables your accounts, removes your data from their servers, and may revoke any API keys[11] or otherwise access to the platform.

Vendor Obligations

AI Tool: Due to the fact that you - as the mental health professionals- host and manage the tool, there is often less direct involvement from the vendor after purchase, aside from any contracted support or updates. You hold primary responsibility for ensuring compliance with legal and ethical obligations.

AI Service: The AI service provider may have specific contractual responsibilities with regard to data retention and data disposal. You will need to follow a formal offboarding process, which could include retrieving final reports or certificates of data destruction (as per above, *Data Storage and Retrieval*).

Compliance and Documentation

AI Tool: You maintain logs and evidence of software removal and data destruction within your own systems. You might also need to confirm any licensing or maintenance agreements have been canceled.

AI Service: It is prudent to seek written documentation from the AI service provider that they have fulfilled all contractual requirements, including secure data deletion and deactivation of your accounts.

Transition to New Workflows or Systems

AI Tool: You, the mental health professionals, may have developed custom workflows around this locally managed software. Transitioning might involve re-training staff on new tools or manual processes.

AI Service: Often, the AI service was integrated via APIs or web portals, so you may need to replace those integrations with new ones, and work closely with your new vendor or in-house IT team to ensure continuity of care.

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[11] API key: An API (application programming interface) key is a code used to identify an application or user for the purpose of authentication within computer applications.