



AI Compliance for Mental Health Professionals

A plain-language overview of the legal and ethical considerations when integrating AI into school psychology and licensed clinical practice.

AI tools are showing up in clinical and educational practice faster than the professional guidance to support them. Most school psychologists and licensed clinicians using AI today are doing so without a clear framework for what the law requires, what their ethics code demands, and where the real risks are. This article provides that framework in plain language.

The Four Laws You Need to Understand

HIPAA

Applies to licensed clinicians handling protected health information. If you are handling client-identifiable information, HIPAA requirements follow. Key question: Do you have a BAA in place?

HITECH

Strengthens HIPAA enforcement and expands breach notification requirements for handling electronic PHI. Clinicians must ensure AI vendors handling ePHI meet requirements.

FERPA

Applies to school-based professionals working with student education records. Any reports, or any student record triggers FERPA. Student data may not be shared without consent.

SOPIPA

California law prohibiting operators of educational technology from using student data. School-based practitioners using AI tools within a school district context.

Your Professional Ethics Code Also Applies

HIPAA and FERPA set legal floors. Your professional ethics code sets the standard of care. The APA Ethics Code, NASW Code of Ethics, CAMFT Ethical Standards, CASP Practice Standards, and NASP Professional Standards all require competent, transparent, and client-centered practice. AI use is not exempt from those obligations.

- Competence: You are responsible for understanding any AI tool you use well enough to evaluate its outputs
- Transparency: Clients and families have a right to know when AI plays a role in their care or documentation
- Supervision: AI outputs require the same professional review as any other clinical product
- Non-maleficence: If an AI tool creates risk for a client, you are responsible for that risk

The practical takeaway: Before using any AI tool in your practice, ask three questions. Does this use comply with applicable privacy law? Does my ethics code require disclosure or consent? Can I defend this decision if it is questioned by a client, supervisor, or licensing board?