



State of Idaho

Division of Occupational and Professional Licenses Board of Psychologist Examiners

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Policy: Use of Artificial Intelligence in Clinical Practice

Purpose: To provide guidance on the appropriate use of artificial intelligence (AI) in the practice of psychology, consistent with applicable laws and professional standards.

Policy: The use of AI in psychological practice is an evolving area. The Board of Psychologist Examiners does not preapprove individual technologies or clinical tools. AI technologies may be utilized by licensees, provided such use complies with Idaho law and the applicable standard of care.

Pursuant to Idaho Code § 67-9407, “[a]n act is within the practice authority of a licensed professional in Idaho under the authority of the division of occupational and professional licenses if:

- (a) The act is consistent with and not expressly prohibited by Idaho Code;
- (b) The act is consistent with the individual's education, training, and experience; and
- (c) Performance of the act is within the accepted standard of care for the licensed professional's profession or occupation that would be provided in the same or similar setting by a reasonable and prudent individual with the same or similar education, training, and experience.”

The following questions may assist practitioners in their use of AI:

- Is the AI system capable of maintaining the confidentiality of protected health information?
- Is a business associate agreement (BAA) needed to maintain HIPAA compliance, or is information appropriately de-identified before being entered?
- What evidence supports the AI tool's reliability and validity for the intended clinical use, and what limitations of the tool should be considered?
- How will the outputs be independently verified for accuracy, completeness, and clinical appropriateness before use for patient care?
- Could the AI output introduce bias, omit important patient-specific factors, or otherwise lead to a recommendation that may not be appropriate?
- Have considerations been made on whether the nature and extent of the AI's use should be disclosed to the patient or documented in the clinical record?



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The use of AI is not prohibited by Idaho Code, its application in psychological practice is permissible under the following conditions:

- The licensee possesses sufficient education, training, and experience to use AI tools competently within their scope of practice.
- All care provided shall meet or exceed the same standard that would apply in the absence of AI.
- The use of AI complies with all applicable federal and state data privacy and confidentiality laws, including requirements related to the protection of patient health information.

Ultimately, the decision to use AI does not alter the fundamental responsibilities of the licensee. A psychologist remains professionally accountable for all care they provide, direct, or oversee, regardless of the technologies or tools utilized in the delivery of that care. The use of AI does not alter the Board's authority to investigate allegations that a psychologist failed to meet the applicable standard of care consistent with Idaho Code § 67-9407(2).

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