nbcc
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Washington, DC 20515-6115

RE: Innovation with Integrity: Examining the Risks and Benefits of AI Chatbots

The National Board for Certified Counselors, Inc. and Affiliates (NBCC) and its Policy, Advocacy, and Research in Counseling Center (PARC) are dedicated to policy analysis, advocacy, and rigorous research that supports the health and well-being of your constituents and the professionals who serve them. Our objective is to conduct research on topics vital to the health of America that directly support the needs of counselors, clients, and communities. Our goal is that this research will inform policymakers with expert guidance from licensed professionals.

From a counselor's perspective, artificial intelligence (AI) chatbots hold both promise and risk for mental health support. On the promise side, well-designed chatbots can expand access to supportive resources, triage concerns, and augment the capacity of licensed clinicians to provide timely guidance. On the risk side, chatbots can unintentionally reinforce biases, provide inappropriate or inaccurate guidance, compromise client safety, or erode the therapeutic relationship if used without proper safeguards. These concerns underscore the need for rigorous professional standards, transparent practices, and robust oversight.

The PARC research team maintains a strong focus on the regulatory landscape surrounding mental health practice regulations and training, including how AI-enabled tools intersect with clinical judgment, ethics, informed consent, privacy, and public protection. Our work seeks to ensure that AI technologies are integrated in a way that safeguards clients, supports practitioners, and maintains the integrity of the counseling profession. We work hard to support the almost 250,000 licensed professional counselors across this nation and the clients they serve.

Current Research Timeline

Our current research on AI is focused on understanding the regulatory implications, training needs, and ethical considerations associated with AI chatbots and related technologies used in mental health contexts. PARC is committed to transparency and public accountability. Our research is on track to be published in the first quarter of 2026, at which time we will have developed a strategic roadmap for AI governance within mental health practice. The roadmap will provide clear guidance for stakeholders on how to manage AI technologies in an ethical and protective manner, covering areas such as:

- recommended regulatory guidelines for mental health practitioners.
- recommended guidance for training the mental health workforce.
- recommended guidance for licensed practitioners on how to ethically utilize artificial intelligence.

Chatbots and Practice

While the United States currently leads the global AI race, many experts speculate that other countries will advance through speed of innovation and reduce the cost of innovation. As we've seen in other industries, it's likely other countries will flood the market with AI products that are lower in quality and price than U.S. products. Our competitive advantage, particularly in health care, is in having the best, safest, most effective products in the market. We can use quality standards as accelerants that will drive adoption among providers, build public trust, and protect U.S. leadership in AI, all while unlocking the value AI tools promise. The fastest path to broad adoption is demonstrated efficacy. Countries and companies that establish rigorous effectiveness standards will dominate this market. Our following recommendations create competitive incentives for better AI, not simply more AI.

1. Establish Voluntary Efficacy Certification for Market Differentiation

Create a federal voluntary certification program allowing AI mental health tools to demonstrate clinical effectiveness through independent evaluation. Certified products gain marketplace designation and preferential consideration in federal procurement, insurance coverage decisions, and institutional adoption. This incentivizes quality without mandating it, allowing superior products to outcompete inferior ones through transparent performance metrics. Companies that certify gain speed to market through streamlined partnerships with health care systems seeking validated tools. This certification should be cost-effective, such that small companies can afford to participate. Making the certification cost-prohibitive would quash the small businesses that provide so many breakthrough innovations.

2. Fund Rapid-Cycle Clinical Validation Infrastructure

Establish a national AI mental health validation consortium connecting developers with clinical research networks for accelerated real-world effectiveness studies. This public–private infrastructure reduces time and cost of validation from years to months, enabling faster iteration while generating evidence that drives adoption. Companies can prove efficacy quickly and scale confidently. This positions the United States as the global hub for evidence-based AI development.

3. Create Transparent Harm Reporting Systems That Build Consumer Confidence

Develop a centralized public adverse event reporting system for AI mental health tools, modeled on FDA's MedWatch. Transparency about harms paradoxically accelerates adoption by building trust and enabling rapid product improvement. Companies benefit from aggregated safety intelligence that informs better design. Markets reward products with superior safety profiles. This system drives innovation toward safer, more effective tools while giving providers and patients confidence to adopt AI solutions.

4. Establish Clinical Integration Standards That Enable Interoperability

Develop technical standards for AI tool integration with electronic health records, clinical workflows, and licensed provider oversight. Standards eliminate adoption friction, reduce implementation costs, and create network effects that accelerate deployment. History demonstrates this power: In 1886, U.S. railroads operated with over 20 different track gauges, forcing costly cargo transfers at every junction. When Southern railroads standardized to 4'9" gauge over a single 36-hour period, freight traffic surged 175–250% on converted routes. Standardization transformed U.S. commerce by enabling seamless coast-to-coast shipping and allowing railroads to share rolling stock during peak demand periods. Interoperable AI systems will see similar acceleration, enabling deployment across health care networks and creating unprecedented market scale while ensuring clinical accountability.

The AI race will be won by whoever builds tools people actually use, and that requires trust, effectiveness, and integration with existing care systems. These recommendations create market incentives that reward quality, accelerate validation, and prepare the ecosystem for rapid adoption. They position the United States to lead not just in AI development, but in AI that works. In health care, better is the only sustainable path to broader, and we have the opportunity to make U.S. AI synonymous with clinical excellence.

Chatbots and Education

AI chatbots are now a standard part of how people learn, problem-solve, and seek basic support. Students in K–12, college, and graduate programs use them not only during stressful times but also because AI is built into the technology they use every day. Because these tools feel accessible and familiar, they often become a first stop for questions about emotional or mental health. Rather than discouraging AI use, we must ensure students use these tools safely. Chatbots can offer grounding strategies and general coping tips, but they cannot reliably recognize deeper safety concerns such as self-harm, abuse, or significant anxiety. Counselors are trained to notice these nuances, and AI systems should be developed with a similar level of awareness. AI should support human judgment, and mental health professionals should guide design decisions that affect student well-being. Counselors receive training in development, crisis response, cultural context, and ethical decision-making. This expertise is essential for ensuring that chatbot interactions remain healthy, realistic, and oriented toward human connection when needed. Healthy AI use means students know when AI can help and when they should reach out to a trusted adult or professional. As AI expands in learning environments, counselor education programs

must also prepare future clinicians with AI literacy and competency training. Counselors-in-training need to understand how to use AI responsibly, recognize its limitations, and identify when AI-generated guidance may be incomplete or inappropriate. We recommend that AI tools used in educational contexts include appropriate safeguards, transparent communication, and mental health–informed design. In practice, this means the following three principles.

1. Safeguards that support students appropriately.

Most stress does not require emergency intervention, but clear safety risks should prompt the chatbot to pause and direct the student to human help or crisis resources. AI systems should avoid guessing diagnoses, offering misleading advice, or misusing sensitive disclosures. When platforms allow users to opt out of data use, students should be clearly informed of this option.

2. Transparent communication that keeps students informed.

Students should always know when they are interacting with AI. Chatbots should clearly explain their abilities and limits, describe how data is stored or used, and remind users of these limits during emotionally sensitive moments.

3. Mental health–informed design that reflects human needs.

Licensed counselors should be involved in development to ensure responses reflect developmental needs, cultural context, and emotional nuance. Chatbots should avoid "pathologizing" by labeling everyday stress as a disorder and should use supportive, developmentally appropriate language that encourages human connection during times of uncertainty or distress.

These steps help ensure that students benefit from AI-supported learning and wellness without compromising safety or the essential role of human care.

Regulatory Recommendations

Our profession prides itself on our commitment to professional values and ethical principles guided by our American Counseling Association (ACA) Code of Ethics, training and certification through the National Board for Certified Counselors, and licensure rules and statutes set forth by our respective state licensure boards. Additionally, the ACA Code of Ethics Section H addresses counselor ethics involving distance counseling, technology, and social media, and the revisions currently underway will most certainly include guidelines on AI-related technologies in counseling. More specifically, the ACA Code of Ethics requires counselors to follow all relevant jurisdictional statutes, rules, and laws involving technology and technology-assisted services. The ACA Code of Ethics Section H.4.c. (Technology-Assisted Services) dictates that:

> when providing technology-assisted services, counselors make reasonable efforts to determine that clients are intellectually, emotionally, physically, linguistically, and functionally capable of using the application and that the application is appropriate for the needs of the client. Counselors verify that clients understand the purpose and operation of technology applications and follow up with clients to correct possible misconceptions, discover appropriate use, and assess subsequent steps.

The purpose of our AI committee is to hear the voices and express the needs of counselors and clients regarding AI services within the profession and, moreover, to influence state and federal statutes and laws on technology services within the profession. Counselors value the need for consumer protections and clinical and professional oversight. However, most importantly, we rely on our principles of autonomy, nonmaleficence, beneficence, justice, fidelity, and veracity. Regulation of AI chatbots is essential to counselors as we move forward with AI technologies. The key issues for counselors include federal and state regulation limits on AI intervention in clinical services, risk management frameworks and protocols, and security and privacy standards.

1. Federal and State Regulations on AI Services and Practices in Counseling

Federal regulations should be established to provide clear boundaries on AI's role in counseling services to ensure AI cannot function independently. This includes AI not suggesting treatments, making clinical decisions, or providing diagnoses.

2. Development of Risk Management Frameworks and Protocols

Federal and state consumer protections should be in place to protect clients from AI-related harm and clinician error when AI is utilized in counseling. Counselors' professional liability insurance and risk management services should provide additional frameworks and specific protocols for AI use within counseling that dictate training, continued education, specific liability coverages, and risk management services to the counseling profession.

3. Security and Privacy Standards

Federal and state regulations should be placed on technology companies that are developing AI tools for clinical services to protect client data, clinical records, and financial and personal health information. Risk management is an important issue for counselors; we are concerned with client care and professional risk management, while making every effort to protect against security and privacy concerns. Federal and state regulations should mirror this effort in providing regulations to all participants in client care.

In Closing

NBCC and PARC thank you for the opportunity to be heard on the issue of AI chatbots and welcome a continued dialogue. Our profession welcomes regulations that provide ethical and practical oversight while protecting our communities. The three key regulatory recommendations above are some of the most important to us; however, we will continue to monitor advances and remain vigilant in our use of technology within our profession.

On behalf of NBCC and the mental health counseling profession, we urge you to consider our recommendations on AI chatbots.

We stand ready to work with you and your staff to ensure that the public is protected from the potential harms of AI chatbots. Counselors provide unique insights into this topic, which have often been overlooked. We sincerely request that you review the above information and consider utilizing our expertise and guidance for future considerations about AI.

We welcome the opportunity to discuss this issue further with you and your staff. Please do not hesitate to contact our PARC team; we have experts at the ready to assist with any questions.

Sincerely,

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