Sample AI Policy for Behavioral Health Organizations

This AI policy template provides a framework for safe, effective AI use in behavioral health. Feel free to copy and customize any piece of this document for your specific organization.

eleos

Governance and Use of Artificial Intelligence at [ORGANIZATION]

Purpose

The purpose of this policy is to provide organizational instruction and guidance around [ORGANIZATION]'s use of healthcare-facing, human-centered artificial intelligence, as industry best practices and regulatory guidance are rapidly evolving.

Scope

This policy applies to the use of artificial intelligence technologies in both clinical and business operations at [ORGANIZATION].

Definitions

Human-Centered Artificial Intelligence (AI) – AI that seeks to augment the abilities of, address the societal needs of, and draw inspiration from human beings to produce effective tools and enable informed decision-making.

Clinical Operations – Any area of [ORGANIZATION] operations focused on directly providing or supporting the delivery of clinical services.

Business Operations – Any area of [ORGANIZATION] operations not focused on directly providing or supporting the delivery of clinical services.

Ethics – Principles governing moral obligation and definition of right and wrong.
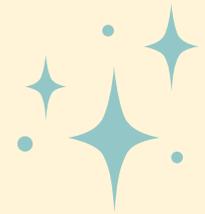
Policy

This policy supports [ORGANIZATION]'s responsible and ethical use of artificial intelligence (AI) as a tool to aid decision-making in clinical operations and to automate tasks in business operations. While AI technologies may be leveraged to enhance operational effectiveness and efficiency, they require organizational and human oversight.

If and/or when AI is used to support clinical decision-making, direct care staff will apply clinical judgment and/or consult with a clinical supervisor before making decisions that impact the type or amount of care provided.

Anyone using AI technology, whether as part of their day-to-day work at [ORGANIZATION] or as an individual presenting for care, should be able to share concerns or report problems with no risk of retaliation.

[ORGANIZATION] will remain in compliance with all applicable federal, state, local, and/or tribal regulatory requirements, including applicable research regulations.

Through the establishment of an AI Governance structure, [ORGANIZATION] will provide organizational guidance and oversight around the use of AI, including vetting new AI technologies prior to implementation, development and lifecycle management of policies and procedures, ensuring adherence to regulatory requirements, promoting and ensuring the use of current and emerging AI best practices, and oversight of AI-related risk planning.

Guidelines

AI Governance Committee

[ORGANIZATION]'s AI Governance Committee is responsible for providing organizational guidance and oversight around the use of AI technologies in clinical and business operations. The Committee Chair will be appointed by the Executive Sponsor and is responsible for facilitating its activities and gaining consensus around organizational decision points where possible. When consensus is not possible, the Executive Sponsor will make the go-forward decision based on information provided by Committee members. Membership extends to clinical operations leadership and to shared service leaders whose existing organizational accountabilities encompass creating policies and procedures and/or operational use for healthcare technology.

Membership includes but is not limited to the following:

- **Executive Sponsor:** Chief Operating Officer
- **Chair:** Chief Compliance Officer
- **Members:**

  - Regional Chief Operating Officers or designees
  - Chief Information Officer or designee
  - Institute Chief Executive Officer or designee
  - Chief Medical Officer(s)
  - Chief Marketing Officer or designee

The AI Governance Committee's primary purpose and function is to guide the organization's use of healthcare–facing AI technologies. Its responsibilities include but are not limited to the following:

- Develop organizational guidance that promotes and ensures the use of current and emerging best practices.
- Ensure adherence to all applicable regulatory requirements.
- Lead development and lifecycle management of related policies and procedures.
- Coordinate and oversee risk–planning activities specific to AI.
- Monitor the rapidly evolving technology landscape and regulatory environment, forecast opportunities and risks, and support organizational decision–making.
- Provide subject matter expertise for organizational communications.
- Ensure subject matter experts and internal process owners are engaged appropriately leading up to organizational decisions.
- Vet and determine which AI technologies are approved for use at [ORGANIZATION] when involving protected health information (PHI) and/or sensitive organizational information, within a declared timeframe (e.g., 30 days).

Best Practices for Usage

Compliance with Regulatory Requirements

- Organizational policy and procedure will evolve as industry best practices and federal, state, and/or local laws and regulations emerge.

Assurance of Safe and Effective Systems via Risk Planning and Data Privacy Practices

- Prior to implementation, AI technologies should be vetted and tested by the AI Governance Committee and subject matter experts familiar with the context and process by which it will be used. Vetting should include reviewing how the product works; understanding risks specific to the technology, users, and/or subject matter; understanding what measures the developer has in place to ensure equitability and safety; identifying what additional measures [ORGANIZATION] will need to put in place proactively; ensuring compatibility with [ORGANIZATION]'s values and core IT requirements; and understanding data privacy considerations.

- ePHI or sensitive company information (e.g., intellectual property, financial documents, contracting documents, etc.) will not be entered into any non-vetted AI technologies.

- Risk assessment and mitigation planning, including prevention of algorithmic discrimination, should be conducted proactively and in advance of implementation.

- Anyone using AI technology, whether as part of their day-to-day work at [ORGANIZATION] or as an individual presenting for care, should be able to share concerns or report problems with no risk of retaliation.

Proactive and Transparent Communications

- Communication about the use of AI at [ORGANIZATION] should be proactive in nature, presented in plain language, and aimed at helping individuals understand:

    - how AI will and will not be used in clinical and operational settings,

    - what actions the organization is taking to ensure AI is used in ethical and responsible ways,

    - how individual staff should interpret AI-generated feedback,

    - how the organization mitigates risk specific to AI,

    - what data privacy practices apply, and

    - how [ORGANIZATION] anticipates the use of AI evolving moving forward.

- The use of AI should be communicated to staff transparently when used to generate information and/or to provide enhanced decision support.

- The use of AI should be communicated transparently to [ORGANIZATION] clients when used to support service delivery and/or treatment decisions.

- Any materials generated by AI technology (e.g., photos, videos, text, audio, etc.) should include a disclaimer that is consistent with the AI Disclosure Act of 2023 requirement (e.g., "Disclaimer: This output has been generated by artificial intelligence").

Clinical Practice

- AI may be used as a tool to support various elements of clinical practice, such as documentation or summarizing information to facilitate decision-making; however, such usage requires human oversight.

- Direct care staff are responsible for reviewing AI-generated documentation for accuracy prior to it being finalized in the electronic medical record.

- If and/or when AI is used to facilitate decision-making around the type, frequency, or amount of care an individual receives, direct care staff are responsible for using their clinical judgment and/or seeking guidance from a clinical supervisor to make the final decision.

Relevant Resources

- [Blueprint for an AI Bill of Rights](#)
- [Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#)
- Stanford University's [Human-Centered Artificial Intelligence Definitions](#)
- [AI Disclosure Act of 2023](#)