

APA Official Actions

Position Statement on Regulatory Oversight of Data, Apps, and Novel Technologies in Mental Health

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“Policy documents are approved by the APA Assembly and Board of Trustees. . . These are . . . position statements that define APA official policy on specific subjects. . .” – *APA Operations Manual*

Issue:

The technology market has increasingly become host to large amounts of data about the public’s mental health. Many internet-based companies, both those with primary business in health and those that provide broader technology services but may host or receive health care data (e.g., through targeted advertising arrangements), are not subject to HIPAA or FDA regulations or other common patient protection frameworks. Consumer technology companies have been found to sell aggregate and individually identifiable mental health data.

Consumer-facing, treatment-focused apps are becoming an increasingly common modality of accessing mental health services. They offer pathways to improve health outcomes through convenient, patient-driven access to mental health support and self-management tools. However, these technologies may – like other media channels – expose patients to non-evidence-based, unregulated approaches, while the sharing of sensitive health-related user data by technology companies could expose users to unintended harm. Oversight and accountability of data commoditization and treatment-focused apps are necessary to maintain patient safety, trust, and privacy.

It is the position of the APA that:

- To protect patients’ online mental health data and safety, data privacy and patient protection frameworks need to be updated frequently.
- Data privacy standards should apply to any platform that hosts sensitive health-related data, particularly related to mental health and substance use. If HIPAA standards are not met, a clear statement must be made — in plain, brief, and prominent language actively accepted by the user — that the consumer does not have an expectation of privacy while using the app.
- Treatment-focused apps must adopt high standards of evidence-based practice and can function as a supplement to mental health care but are not a substitute for care delivered by a licensed mental health clinician for clinically significant mental illness.

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