



**WARANCH + BROWN**

*Representing Health Professionals*

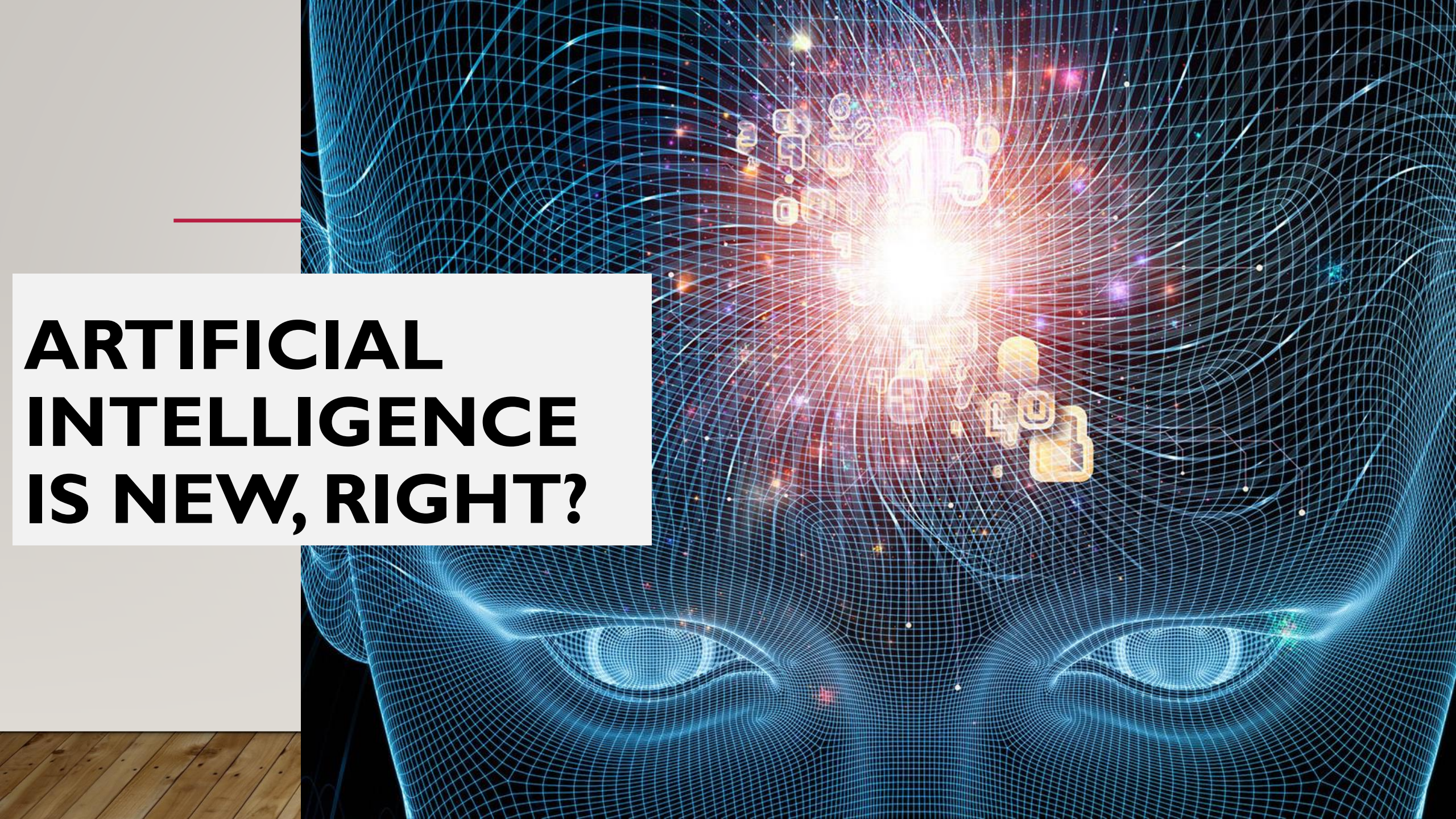
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# ABOUT THIS PRESENTATION

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- This material is provided for informational purposes only.
- The material provided herein is general and is not intended to be legal advice.
- Nothing herein should be relied upon or used without consulting a lawyer to consider your specific circumstances, possible changes to applicable laws, rules and regulations and other legal issues.
- Receipt of this material does not establish an attorney-client relationship.





**ARTIFICIAL  
INTELLIGENCE  
IS NEW, RIGHT?**



**No . . .**

Office



# ChatGPT



# WHAT'S THE DIFFERENCE?

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“Narrow AI” refers to AI systems that are designed to perform specific tasks or solve particular problems.

Examples of narrow AI include spell-check, voice assistants like Siri and Alexa, image recognition software, and recommendation algorithms used by streaming platforms.

“General AI” or “Generative AI” refers to AI systems like ChatGPT that possess the ability to understand, learn, and apply knowledge across a wide range of tasks, similar to how human intelligence operates.

General AI aims to replicate human-like cognitive abilities, such as reasoning, problem-solving, and understanding complex concepts.





# **WHY SHOULD YOU CARE?**



- **General AI is quickly becoming universal.**
- **Your patients will be using it.**
- **Your competitors will be using it.**
- **Insurers will be using it!**

# “All we have to fear is fear itself”

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- It can automate mundane tasks.
- It can enhance your ability to serve patients.
- It can reduce stress.
- **General AI** can reinject creativity to the medical profession.





# LARGE LANGUAGE MODEL < > AI CHATBOX

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# WHAT ARE THE CONCERNS?

- Privacy, privacy, privacy!
    - Patient information, HIPAA, etc.
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- AI hallucination:

## Judge sanctions attorneys for failed reality check

Attorneys who filed court documents citing cases completely invented by OpenAI's ChatGPT have been formally slapped down by a New York judge....

In June 2023, a judge issued an opinion and order on sanctions that found the lawyers had "***abandoned their responsibilities*** when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question."



# PUBLICLY AVAILABLE AI'S

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My GPTs

Create a GPT Beta

Customize a version of ChatGPT for a specific purpose

**CUSTOM**

**GPTS**



Creative Writing

I'm eager to read your feedback to improve

Sticker Whiz

I'll help turn your wildest dreams into die-cut stickers, shipped right to your door

Math Mentor

I help parents help their kids with math. Need a 90m refresher on geometry



# PROMPT ENGINEERING BASICS

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- **Who are you?**, e.g., “I am a radiologist reading an MRI of the chest.”
- **What are you interested in?**, e.g., “What is the latest research on predictive models for identifying lung cancer?”
- **What do you want as a result?**, e.g., “A multi-paragraph summary of the most recent research with hyperlinks to the original source material.”
- **Who is your audience?**, e.g., “I will be presenting this information to my radiology colleagues.”

# **I.ANALYSIS OF MASS DATA**

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## **FOR EXAMPLE**

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- **Litigation Prediction and Management:** AI tools can predict the outcomes of litigation by analyzing historical case law, trends in legal decisions, and the specific details of current cases. This helps claims professionals and lawyers in making informed decisions about whether to settle or proceed with litigation.

A man in a dark suit, white shirt, and blue striped tie is leaning forward over a desk. He has a confused or exasperated expression, with wide eyes and a slightly furrowed brow. His hands are raised in a shrug gesture, palms facing up. In front of him is a black computer keyboard. The background is a plain, light blue wall.

## **II. ORGANIZATION OF DISPARATE APPS**





# Copilot

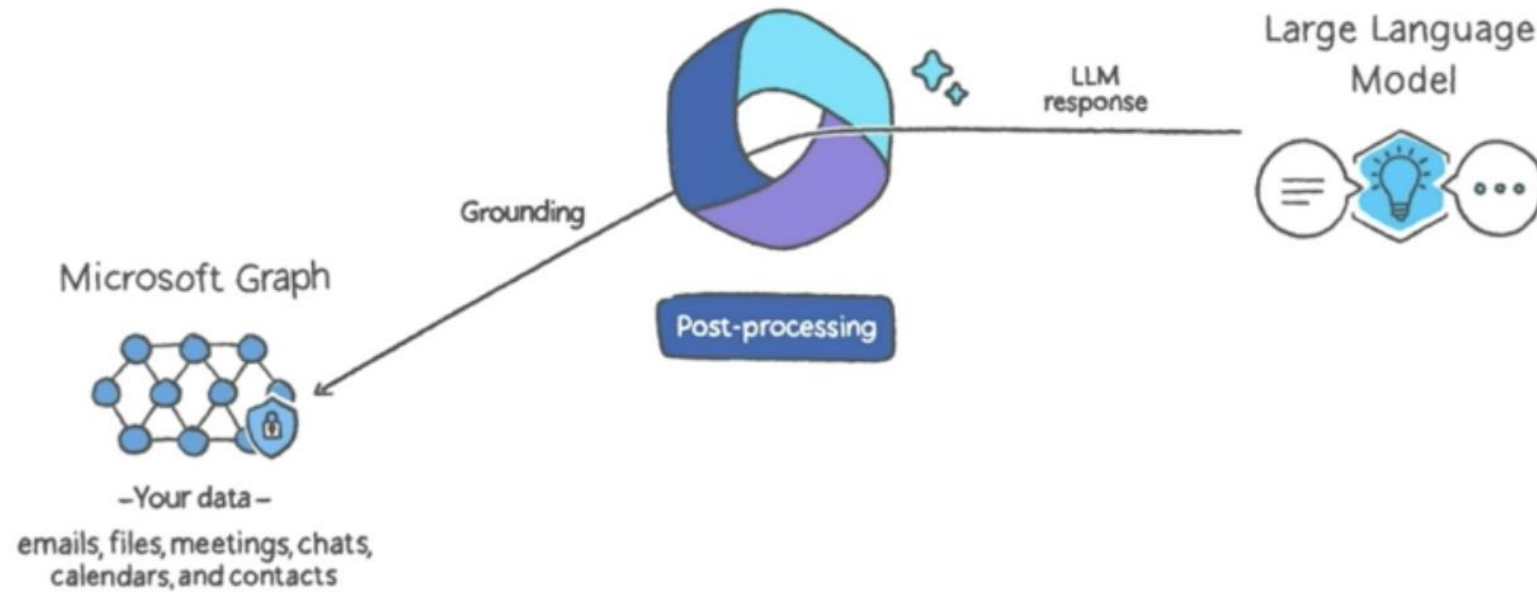
A whole new way to work

**MICROSOFT 365 COPILOT**

Microsoft 365 Apps



## Microsoft 365 Copilot





### **III. RESEARCH**

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- **AI is better at analyzing a case or a study than seeking answers to open-ended questions.**
- **AI can “read” and analyze cases and produce reports, e.g., OCR’d pdf’s.**
- **AI can analyze documents such as medical records.**
- **Review and analysis of informed consent processes and forms.**

## **IV. MEDICAL RESEARCH**

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- **Medical conditions (Consensus GPT)**
- **Peer reviewed journals (GPT's)**
- **Exhibits/Images (Dall-E)**
- **Videos? (Sora)**



## **V. STANDARD OF CARE ISSUES**

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- **What about faulty AI resulting in poor outcomes?**
- **What about the failure to use available AI?**
- **Is this a medical malpractice issue or a product liability case - - or both?**
- **What about contribution or indemnity from the producer of the AI?**
  - **Is the AI from a vendor or is it a product of internal work?**

# RADIOLOGY EXAMPLE

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- Is your PACs system AI enhanced?
- What is your metadata?
- Does your PACs system record what your HCP did with the AI suggestions?
- What about predictive AI programs like Sybil?





# AI Governance: Core Principles and Admissibility



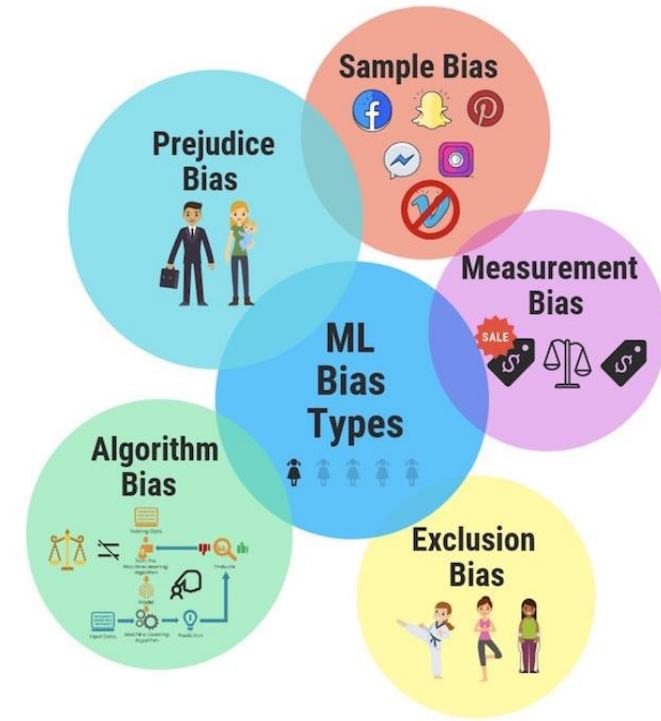
- **Transparency**

- Regulatory requirements and existing frameworks include transparency requirements so that people know if they are interacting with an AI system. Companies like YouTube have altered policies to include a disclosure if certain content is AI generated. Transparency around use of AI systems is an important reputational consideration when it comes to employee and consumer/patient trust.
- Transparency facilitates communication across all business units regarding where AI tools are being implemented and how the output is being utilized. Those conversations inform governance and risk management practices.
- Can you explain how an AI tool generates decisions? Using an LLM, for example, may make it challenging to explain how the output was generated. That may be a risk that is acceptable because testing and validation has shown that the output is reliable and accurate. However, **“human in the loop”** is essential to mitigating the risks of AI implementation in any organization and ensuring the information is admissible.

# AI Governance: Core Principles *(cont'd)*

- Bias/Discrimination

- Bias can exist in the training data or in the algorithmic models.
- Thorough testing and validation with training data may help identify bias output. A comprehensive understanding of the data used to train AI models can also help identify potential bias in output.
- Including human QA checks by stakeholders and subject matter experts may help identify and mitigate discriminatory output/decisions.







**WHAT'S  
NEXT?**

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