



Navigating the Generative AI Landscape in Health Care and Life Sciences

An Industry Expert Roundtable

December 12, 2023



Agenda & Panelists

AGENDA

Intro on AI in Health Care and Life Sciences

Data Governance, Privacy and Security

Discrimination and Bias in AI

Quality and Accuracy

Contracting Considerations

Q&A



Christine Mehfoud
Elevance Health



Agatha O'Malley
Otsuka Pharmaceutical

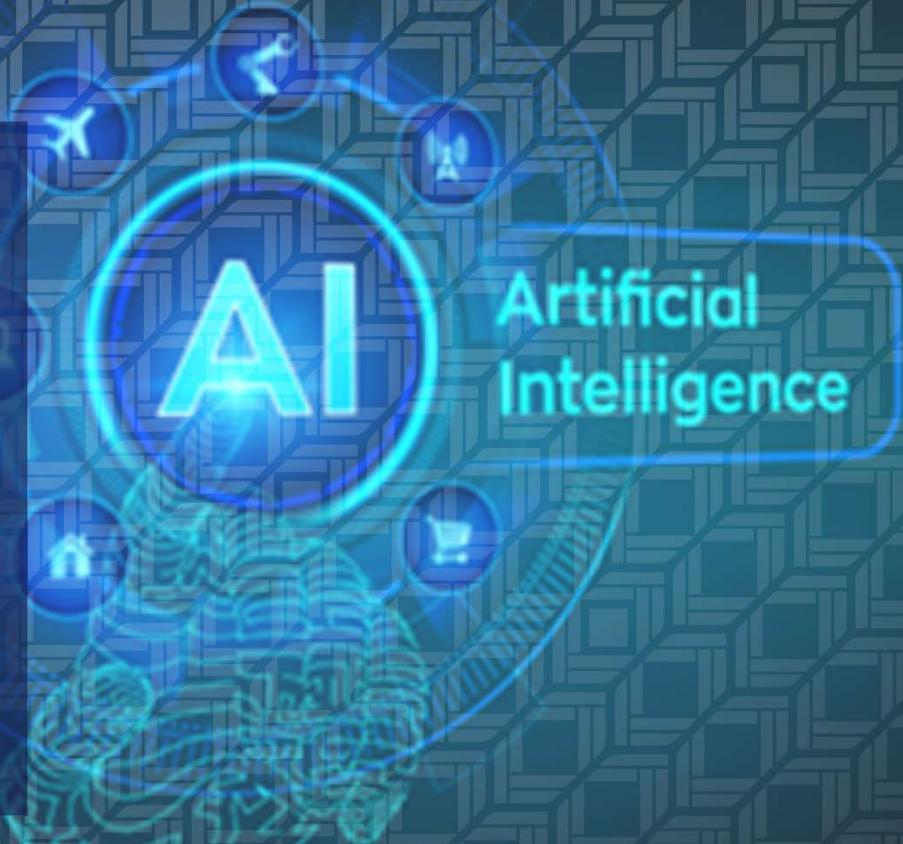


Dean Forbes
DaVita



Jeremy Lewis
DaVita

Intro on AI in Health Care and Life Sciences



Definitions of AI and Types of AI Technologies and Benefits

OECD AI Principles
Overview (2018)

“An AI system is a machine-based system that is capable of influencing the environment by producing an output (predictions, recommendations or decisions) for a given set of objectives.”

Robotic Process
Automation (RPA)

Natural Language
Processing (NLP)

Machine Learning (ML)

Deep Learning (DL)

Generative AI (GAI)

Cost Reduction

Increased Efficiency

Personalization

Improved Decision
Making and Analysis

Enhanced Capabilities

AI Use Cases in Health Care and Life Sciences

Revenue Cycle
Management
and Claims
Processing

Patient
Communication
and Care
Summaries

Evaluation of
Clinical
Research Data

Population
Health and Risk
Scoring

Employee
Engagement

Radiological
Image
Interpretation

Personalized
Medicine and
Genomics

AI Risks – Non-Trustworthy, Valid or Reliable AI Systems



Based on NIST AI Risk Management Framework

Laws, Regulations & Frameworks for AI Governance, Including Bias

Laws & Regulations

Sectoral Laws

- Financial Services, Health Care, Housing, Education, Insurance, Employment

Certain State Privacy Laws

NYC AI Bias Law

FTC Act

Executive Orders and Acts

- National AI Initiative Act of 2020 (NAIIA)
- Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

Proposed & Pending Laws

US Federal Laws

- US Algorithmic Accountability Act

More US State Privacy Laws with AI in Mind

- CA AB-311
- CT SB 1103

Guidance

United States

- FTC Guidance
- White House Blueprint for AI Bill of Rights
- Health – WHO, FDA, HHS

AMA

- Principles for Augmented Intelligence Development, Deployment, and Use

Academic Research

- A normative framework for artificial intelligence as a sociotechnical system in healthcare

Self-Regulation

Technical Standards

- NIST AI Risk Management Framework
- ISO/IEC 23053:2022 - Framework for AI Systems Using ML
- IBM Trust & Transparency Principles

Private Industry “Responsible AI” Frameworks, including:

- Microsoft
- Google AI
- Meta
- Open AI
- Mastercard

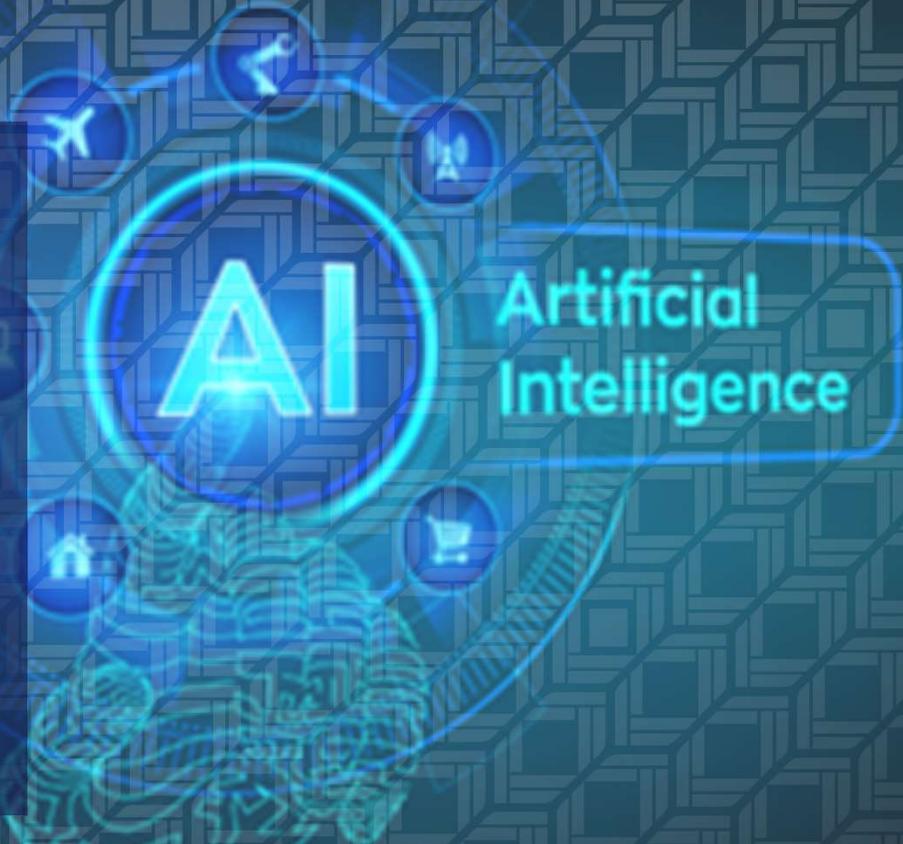
Implementation of Gen AI

**Use of
Commercially
Available AI Tools**

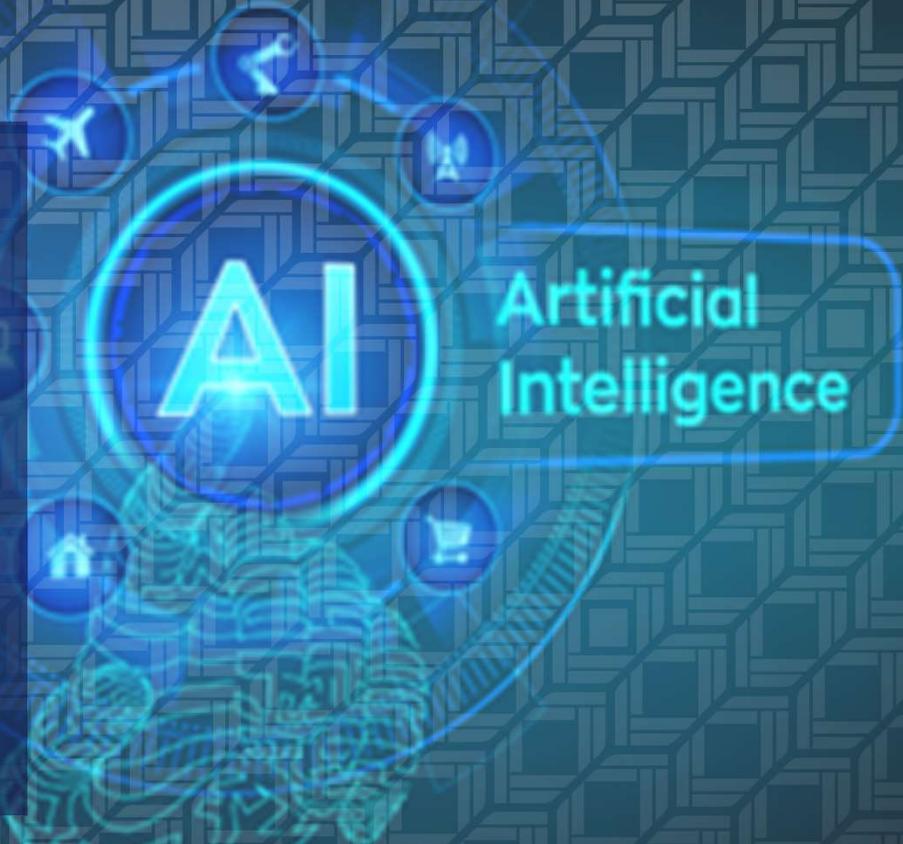
**Use of
Commercially
Available AI Tools
in a Private Cloud**

**Development of
Internal IA Tools
in a Private Cloud**

CLE Code #1 Privacy



Data Governance, Security and Privacy



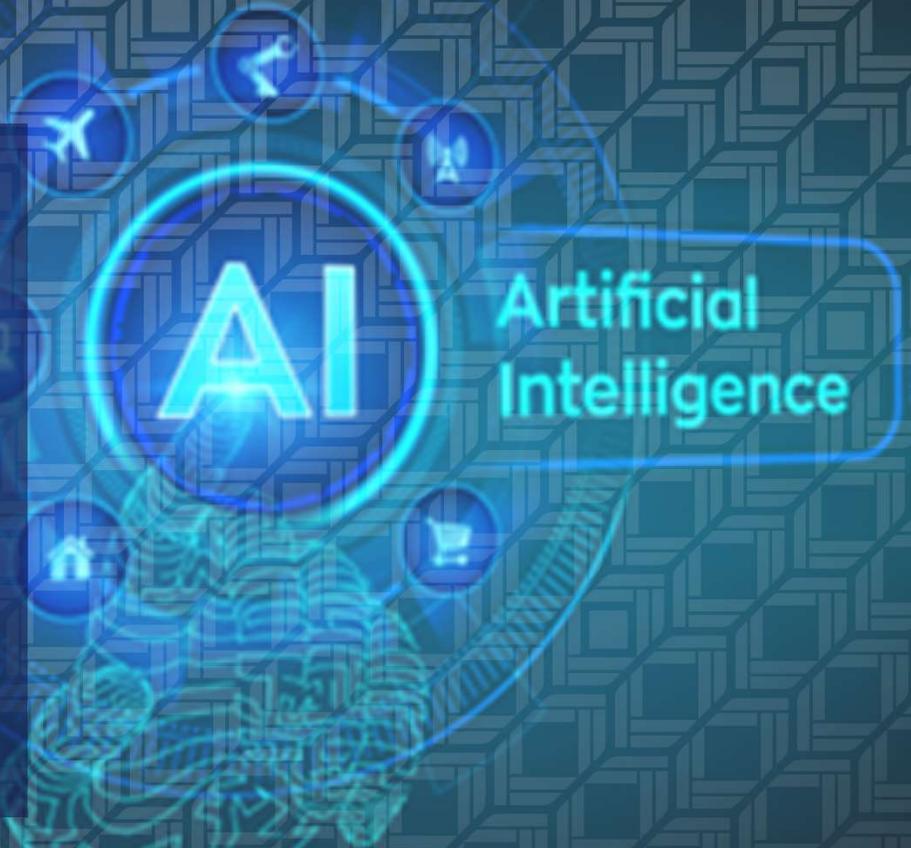
Data Governance, Security and Privacy

Leverage existing data governance and IT policies to evaluate an implementation or development of new AI tools

Generative AI is democratizing power across employees

Develop an AI governance counsel to evaluate new use cases

Discrimination & Bias in AI



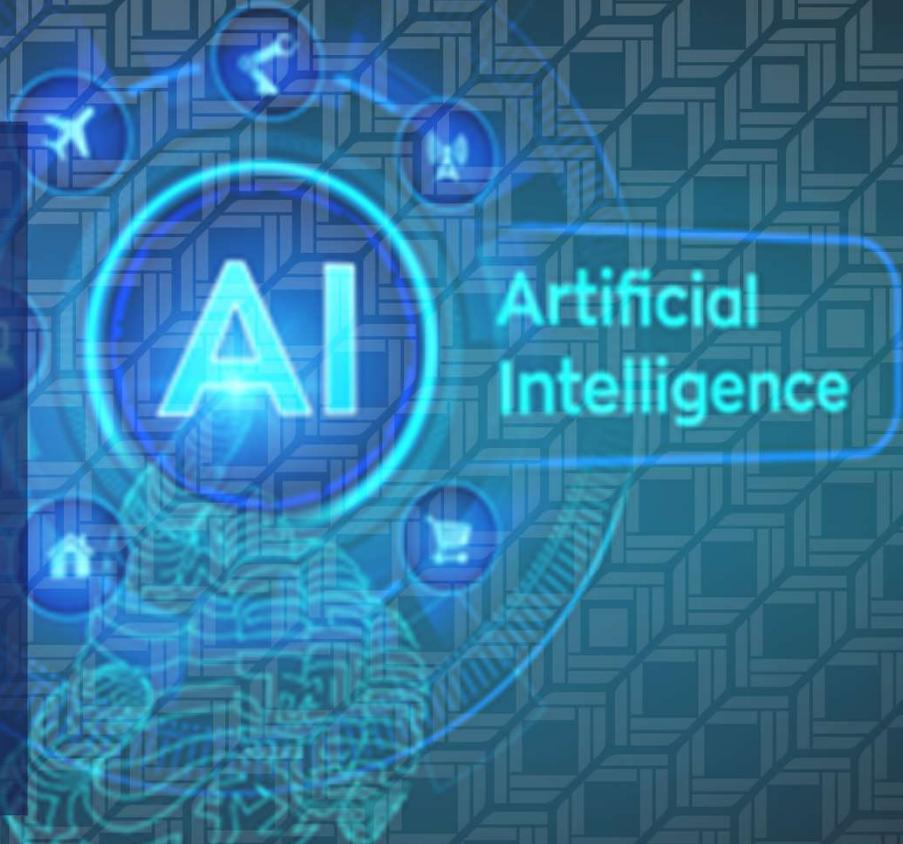
Regulatory Concerns About Discrimination Through Algorithms

- **Media outlets and regulators have consistently expressed the concern that AI or machine learning algorithms can lead to biased or discriminatory outcomes**
- **For example, the current Chair of the FTC stated that the use of AI can “automate discrimination,” and the Director of the CFPB has frequently referred to “discriminatory black-box algorithms.”**
- **In healthcare, there are specific federal and state anti-discrimination laws that form the basis for regulatory scrutiny of this issue**
- **In reality, machine learning algorithms have no greater tendency to produce discriminatory outcomes than older-technology models, but companies who use machine learning nevertheless need to prepare for enhanced regulatory scrutiny of their models**

10 Practices to Prevent, Detect and Mitigate Discrimination and Bias in AI



Quality & Accuracy



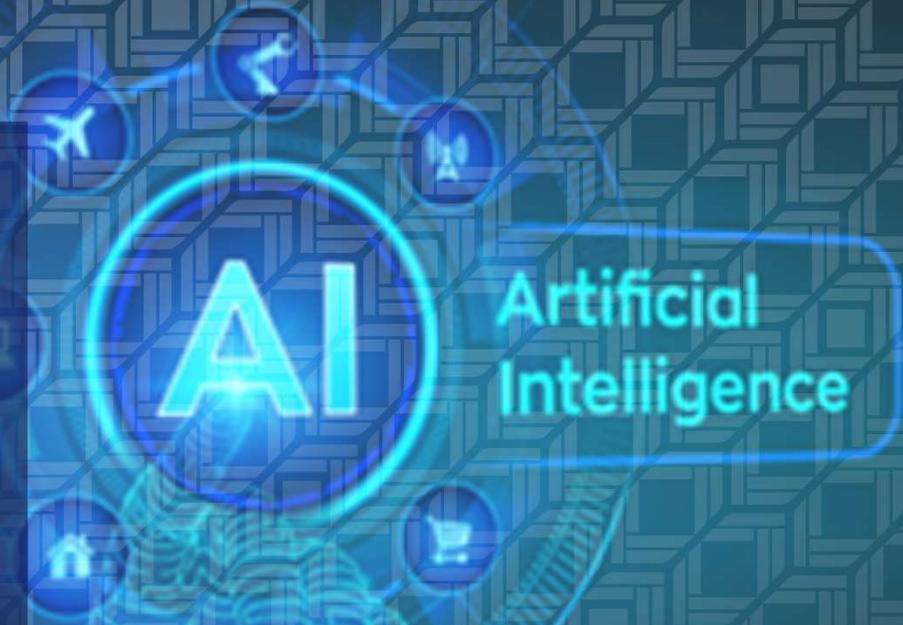
Assessing Quality and Accuracy of Information

Quality and accuracy
of information is
critical in the
pharmaceutical R&D
space

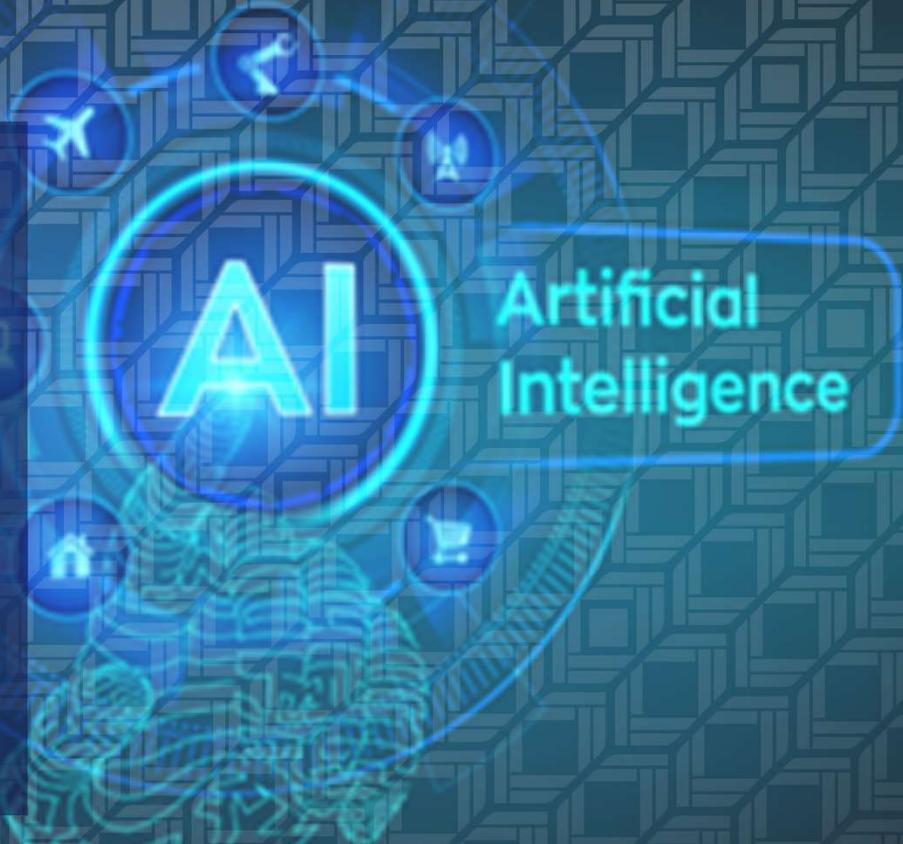
Standards of
accuracy
Human output vs AI
output vs. perceived
statistical accuracy

Performing Quality
and Accuracy Studies

CLE Code #2 Data



Contracting Considerations



Issues in Contracting

State Law Complications

- DIPAs and additional questions for AI

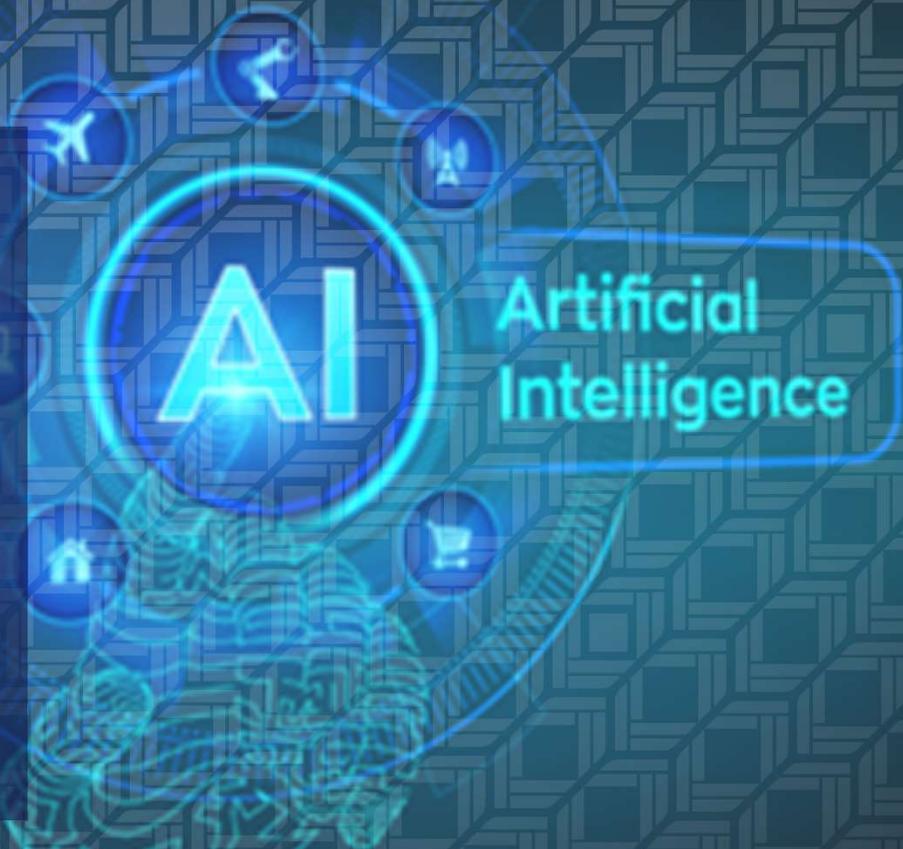
Vendor Contracts

- Limitations of liability and disclaimers
- One sidedness
- Approach to reviews and negotiations

Privacy and IP Considerations

- Ownership of data

Q&A



troutman
pepper

Thank you

Erin Whaley

erin.whaley@troutman.com

