

## **Dr. AI Coming Soon to a Lawsuit Near You?**

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In the world of technology and innovation, AI is the new kid on the block, taking the world by storm. Within the healthcare industry, it's said that AI will propel the field as a whole to new heights in terms of diagnoses and the normative standard of care. However, this integration raises a plethora of questions with no tangible answers at the moment. Since there are currently no recorded cases regarding AI in medicine, the law is lagging behind the exponential innovation in medicine.

A common application of AI in the medical field is utilizing it to pre-diagnose or identify patients prior to adverse events. Studies from the Mayo Clinic demonstrated that AI could assist in identifying patients at risk of a stroke and successfully predict pregnancy complications. This precautionary approach helps healthcare professionals streamline resources and, in some cases, avert or minimize adverse events. However, the legal question that arises from this application is who is held responsible when AI assistance leads to a misdiagnosis that later leads to harm. Is the physician who made the final diagnosis responsible? Can the hospital that purchased and provided the AI technology be held liable? Are the software developers and manufacturers of the AI the correct defendants? We unfortunately will not know the definitive answer to this inquiry until a problem arises and is resolved through litigation.

The legal concerns regarding AI in medicine do not stop at liability. Within healthcare, AI is seen as a database of information, bridging the medical comprehension and application gap that may exist between physicians of different areas. Currently, in malpractice cases, the standard of care a physician is held to is determined by the care practiced by the average physician in that area. In other words, "the suburban physician in a smaller facility would not necessarily be compared to a surgeon in a major urban teaching hospital." However, with the use of AI, physicians from various localities will have access to the same database and tools to guide their care, potentially leading to an elevated national standard of care. Raising the standard of care may result in more malpractice cases, and therefore it remains a mystery if that is the correct way to adapt to AI integration in healthcare.

For more information, check out the full article [here](#).