September 26, 2023

Senator Bill Cassidy, M.D.
Ranking Member
Senate HELP Committee
Washington, DC 20510

Dear Ranking Member Cassidy:

The College of Healthcare Information Management Executives (CHIME) welcomes the opportunity to provide feedback on the request for information (RFI) that was included in your white paper, "Exploring Congress' Framework for the Future of AI" that was published on September 6, 2023.

Background

CHIME is an executive organization dedicated to serving chief information officers (CIOs), chief medical information officers (CMIOs), chief nursing information officers (CNIOs) and other senior healthcare IT leaders. CHIME members are at the forefront of innovation in healthcare. From advancements in 5G, artificial/augmented intelligence, robotics, precision medicine, novel patient engagement tools and more, our members are driving better outcomes using digital health technologies.

Key Recommendations

We appreciate your thoughtful approach to regulating artificial intelligence (AI), and agree that "a sweeping, one-size-fits-all approach for regulating AI will not work and will stifle, not foster, innovation" and that striking the right balance is key. We also want to get it right, and our team is actively developing a set of healthcare AI principles which we would be happy to share with your office later this year. In the interim, we ask that you take the following points into consideration when drafting a regulatory framework:

- **Healthcare is unique**: We urge you and your colleagues to give the healthcare sector an added level of attention when it comes to AI since patient care outcomes and lives are at stake.
- **Patient Safety:** Our members are committed to enhancing patient safety and promoting the highest-quality care. This dedication extends to each and every patient. Patient safety must remain a top concern, and it is crucial that the use of AI does not lead to worse health outcomes than if it were not used.
- **Regulatory Oversight:** Regulatory oversight is needed; however, it should not result in duplicative mandates or worsen administrative burdens on providers and clinicians. As the Office of the National Coordinator for Health IT (ONC) wades into AI through proposed changes to certified electronic health record technology (CEHRT) through

"Decision Support Interventions," (DSIs) every effort must be made to avoid duplicating mandates already in place by the Food and Drug Administration (FDA).[1] Additionally, no Medicare payment[2] should be tied to the use of updated CEHRT to accommodate for the changes related to DSIs until a thorough evaluation of any regulatory overlap between ONC and FDA is conducted.

- **Collaboration with Industry**: CHIME encourages lawmakers to work with healthcare stakeholders including CIOs to ensure that future changes to federal laws and regulations are feasible for providers and do not create duplication around existing mandates. Our members are the ones that purchase and deploy AI tools and are uniquely situated to offer feedback. We would be happy to connect you with our members who are AI experts.

- **Innovation:** AI applications that help reduce provider burnout, including both administrative and clinician, foster a culture of innovation, and uphold high standards for patient care must be prioritized.

- **Bias:** Ongoing efforts to identify and address bias in AI algorithms and ensure that these systems are trained on diverse and representative datasets are needed. This should be done in collaboration with healthcare providers, researchers, and developers to share and maximize learnings and foster continuous improvement.

- **Affordability:** The federal government should do everything it can to help ensure that the use of AI does not result in a larger divide between the digital haves and have-nots. Most providers do not have the vast resources to purchase and deploy cutting edge AI tools and many remain financially stretched post-pandemic and are still wrestling with workforce shortages. Federal support will be needed to help neutralize treatment options for patients residing in underserved areas and those cared for by resource-strapped providers. CHIME's 2023 Digital Health Most Wired data, which focused on areas where AI could gain workflow and operational efficiencies, points to a growing AI divide. See Appendix A.

- **Privacy**: We strongly believe that in order to be a leader in AI and other emerging technologies, the U.S. needs a comprehensive national data privacy law to better protect consumers' sensitive health information.

- **Security**: Patients need to trust the technology they are using. The only way to do that is through an investment in cybersecurity. AI holds significant promise insofar as it will help us take a more proactive posture against cyber threats. However, we also expect cyber criminals to use these tools to their advantage. Cyber threats in healthcare settings are threats to patient safety. CHIME continues to strongly support the best practices jointly developed under a public-private partnership stemming from a mandate in the Cybersecurity Information Sharing Act of 2015 under Section 405(d). We furthermore believe that lessons can be learned from partnerships our sector has fostered under the Health Sector Coordinating Council's (HSCC) Joint Cybersecurity Working Group that could be applied to collaboration around AI.

- **Access to High-Speed Broadband:** CHIME continues to steadfastly support all efforts to increase access to telehealth services and high-speed broadband in healthcare. We

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[1] CHIME-Comments-to-ONC-HTI-1-NPRM_6.20.23-.pdf (chimecentral.org)

[2] Microsoft Word - CHIME Draft PFS CY2024 Comments for M Review_8.24.23 FINAL (chimecentral.org)

appreciate Congress's efforts to fund high-speed broadband but urge you and your colleagues to monitor and address areas of the country still lacking broadband access. Expanding nationwide high-speed broadband is crucial for harnessing AI tools and reducing healthcare disparities.

CHIME appreciates the opportunity to help inform the important work being done by the Senate HELP Committee. Should you have questions about our position or if you would like to speak directly to one of our members with expertise on AI, please contact Cassie Ballard, Director of Congressional Affairs, at cballard@chimecentral.org.
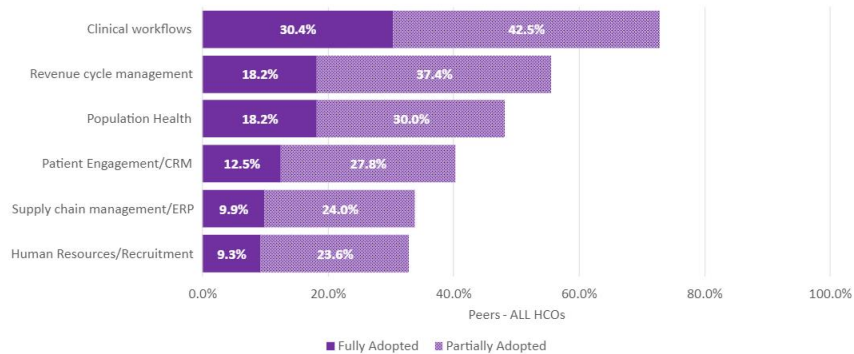
Sincerely,

Russell P. Branzell, CHCIO, LCHIME
President and CEO
CHIME

Appendix A – 2023 Digital Health Most Wired Data

Healthcare Organizations are using Artificial Intelligence to support an array of business functions (primarily for *clinical workflow*)... though claiming to have a capability does not necessarily mean it is being used extensively

How would you characterize the adoption of Artificial Intelligence in each of the following business functions in your organization?

Business Function	Fully Adopted	Partially Adopted
Clinical workflows	30.4%	42.5%
Revenue cycle management	18.2%	37.4%
Population Health	18.2%	30.0%
Patient Engagement/CRM	12.5%	27.8%
Supply chain management/ERP	9.9%	24.0%
Human Resources/Recruitment	9.3%	23.6%

Peers - ALL HCOs

■ Fully Adopted ■ Partially Adopted

As would be expected... the profile of Healthcare Organizations using Artificial Intelligence to support business functions varies by the size of the organization...

How would you characterize the adoption of Artificial Intelligence in each of the following business functions in your organization?
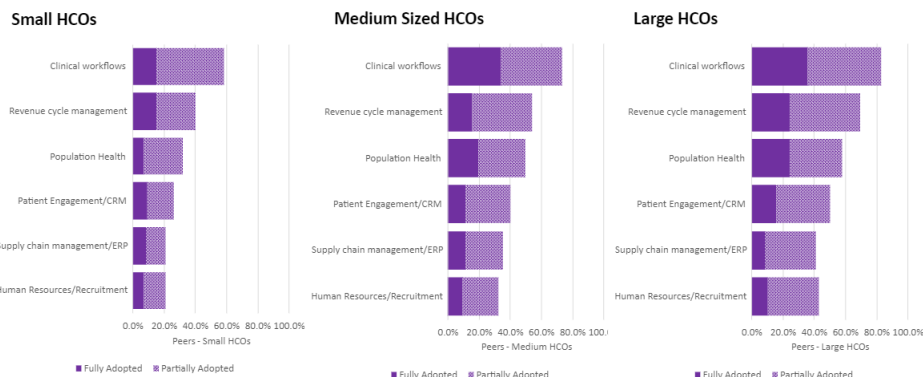
About the Digital Health Most Wired Survey

The CHIME Digital Health Most Wired (DHMW) survey is one of healthcare's most renowned and respected international digital health benchmarking and recognition programs. Foundational to our survey program is the survey score and subsequent recognition participants receive for achieving varied levels of digital health capabilities/usage. It is our strong belief that the annual market/industry recognition component of DHMW helps drive healthcare organizations to effectively use digital health technologies to improve the health and care of the communities they serve.