

INSIGHTS

House Energy
and Commerce
Committee Discusses
Universal Standards
for AI and How to
Keep Health Care
Data Secure

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On December 13, 2023, the House Energy and Commerce Committee held a hearing on [Leveraging Agency Expertise to Foster American AI Leadership and Innovation](#). The main topic of conversation was how Congress could pass comprehensive data legislation to set a national standard. In terms of healthcare, the discussion centered around how Congress can ensure patients have data transparency, but also discussed how physicians could get more transparency into clinical AI. However, the most repetitive point of concern by Committee members was about how they could ensure that all healthcare data is HIPAA protected, even when patients use their phones to Google symptoms, medication, or treatment.

WITNESSES

- [Director Helena Fu](#), Director of Critical and Emerging Technology, Office of the Undersecretary for Science, Department of Energy
- [Dr. Micky Tripathi](#), National Coordinator for Health Information Tech, U.S. Department of Health and Human Services
- [Mr. Saif Khan](#), Senior Advisor to Secretary for Critical and Emerging Technologies, Department of Commerce

MEMBER DISCUSSION

Regarding data privacy, many Members were concerned that patients' sensitive data is being used to train AI systems and that the data will continue to be once the system is in place. Members wanted to know what safeguards should be in place to protect that information. Dr. Micky Tripathi discussed how this is a top priority for HHS. Dr. Tripathi said AI poses new challenges as a lot of data in AI models is not HIPAA protected and it is easy for an AI model to identify an individual patient. Regarding specific data protections in AI models, Dr. Tripathi said that they recently created a solution where patients can request that the API collecting their data be turned off, and it would do so within an hour. He noted that the industry is moving away from the black box technologies in healthcare. Clinicians would rather use another data collection/viewing method with more transparency.

Both Rep. Michael Burgess (R-TX-26) and Rep. Larry Bucshon (R-IN-8) highlighted that doctors and nurses were “worked to the bone” during COVID-19, and using the current Medicare physician fee schedule shows physicians don’t care about them. Rep. Burgess says you must pay attention to this if you want to help with burnout and workforce retention. Congress must stop the “year-after-year erosion of reimbursement” because doctors and nurses can’t afford their practices at the current inflation rate. Burgess asked Dr. Micky Tripathi to return that message to the HHS director.

Rep. Michael Burgess also asked about the 21st-century CURES Act and its progress. Dr. Tripathi said HHS is making a lot of progress and is putting the final touches on several provisions. Rep. Diana DeGette (D-CO-1) mentioned that she is working on the CARES Act 2.0 and would appreciate any recommendations.

Many Members expressed concern about how HHS uses predetermined change control plans (PCCP) to ensure product developers can quickly and efficiently get their products approved. Dr. Tripathi said PCCPs are built to provide the kinds of flexibility to work around the normally long approval process and that working with partners will get us to an even better place. Everyone is concerned about bad data sets influencing AI models and creating biases. Dr. Tripathi noted that stakeholders must create transparency within AI models, so physicians can pull back the curtain, educate providers on AI literacy, and put standards in place that will make high-quality data available. Lastly, Congressmen were interested in how AI can assist with the drug shortage crisis. Dr. Tripathi said HHS will establish a strategy they will deliver in October relating to AI’s use in drug development. standards in place that will make high-quality data available. Lastly, Congressmen were interested in how AI can assist with the drug shortage crisis. Dr. Tripathi said HHS will establish a strategy they will deliver in October relating to AI’s use in drug development.

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