

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Full Committee Ranking Member Frank Pallone, Jr.

Hearing on “Understanding How AI is Changing Health Care”

November 29, 2023

I would like to take a moment to recognize two Democratic members of this Subcommittee who have announced their retirements at the end of next year. Ranking Member Eshoo has served as the top Democrat on this Subcommittee for the last five years, including four years as Chair. She led this Subcommittee through the COVID-19 pandemic. She also played a critical role in our successful efforts to reauthorize user fees and to create ARPA-H.

Representative Cardenas has also been a longtime leader on this Subcommittee. He also served as the Vice Chair of our Consumer Protection and Commerce Subcommittee for four years. There he led several of our key efforts to put consumers first, including a new law that protects babies from dangerous sleeping products.

We’ve still got another year left, but I wanted to thank them both for the invaluable contributions to this Committee and the Congress. Today, we are exploring how Artificial Intelligence is changing health care now and potentially in the future. This is an important hearing because the integration of AI presents opportunities to enhance patient care and streamline processes to bring more efficiency to the health sector.

At the same time, Congress must recognize and address the complex ethical, legal, economic, and social concerns raised by the specter of greater deployment of AI in our health care system. As we will hear today, access to patient medical data is often central to the use of AI in the delivery of health care. As a patient’s medical data passes between physicians through these AI products, protecting an individual’s information and privacy becomes even more important. I remain concerned that the expanded use of AI in health care has generated significant risks. It is critical that safeguards are in place to protect the privacy and security of this patient data.

As I have said at each of our AI hearings this year, I strongly believe that as a bedrock of any AI regulation, we must enact strong federal data privacy protections for all consumers. AI cannot function without large quantities of data, and we must ensure that this increased data demand does not come at the expense of consumers’ right to privacy.

I continue to push for a comprehensive, national federal privacy standard. I believe it’s the only way we can limit the unscrupulous data collection and selling practices of Big Tech and third-party entities. It’s also the only way we can ensure all of our personal medical information is protected online and protected against algorithmic bias or security breaches.

AI's role in the adjudication of medical claims specifically poses a great concern to me as well. Despite potential to revolutionize the health care landscape, AI, in certain instances, could result in the denial of medical care, potentially worsening health inequities. Right now, there's a class action lawsuit against one major insurer's use of AI to deny medical claims. AI systems allegedly played a role in the denial of over 300,000 payment requests within a two-month period – the average time spent supposedly reviewing each of these claims was a mere 1.2 seconds.

AI tools can aid and support health care providers, but their recommendations should not serve as a substitute for the nuanced judgment of our health care professionals. AI has the potential to supplement medical decision making in order to enhance patient care. However, when health care companies, driven by efficiency, implement AI suggestions without subjecting them to critical scrutiny, I worry that patient safety could be put at risk.

We must address all of these concerns comprehensively. We need a proactive approach – one that adapts quickly to the evolving AI landscape, ensures transparency, and safeguards the health of Americans.

Thank you and I yield back my time.