

W. Kenneth Davis, Jr. Discusses Future Use of Artificial Intelligence in Health Care

January 31, 2022

Health Care partner W. Kenneth Davis, Jr. spoke with *Reuters Legal News* in a video interview coinciding with the approval of Medicare coverage for an autonomous artificial intelligence (AI) diagnostic system designed to detect a diabetic eye disease.

Medicare coverage of AI-based detection of diabetic retinopathy marks the first time that the Centers for Medicare & Medicaid Services has allowed reimbursement for an autonomous AI service. It also comes at a time when the use of AI continues to expand in the health care industry and health care organizations work to address several potential issues, such as data privacy and general liability.

Ken explained that AI eventually might become so deeply rooted in the health care system that patients could start to question doctors for not using the technology. For instance, Ken noted that it is conceivable that doctors could face future negligence claims for failing to use AI.

"In other words, what you may start seeing over the course of time is the standard of care will evolve so that it will be that you must use AI," Ken said. However, he predicted that a possible change in the standard of care likely will not occur for several decades.

"A Key AI Landmark for Healthcare–But What Are the Legal Pitfalls?," *Reuters Legal News*, January 27, 2022

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