

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 3030
AUTHOR: Calderon
BILL DATE: June 27, 2024, Amended
SUBJECT: Health Care Services: Artificial Intelligence
SPONSOR: Author
POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

Requires health facilities, clinics, and physicians in solo or group practice that use generative artificial intelligence (GenAI) to generate written or verbal patient communications to provide certain disclaimers to their patients.

RECENT AMENDMENTS

Since the prior meeting of the Medical Board of California (Board), AB 3030 was amended to clarify the following:

- The disclaimer requirements only pertain to patient communications that involve patient clinical information.
- Instructions must be provided to a patient on how to contact an appropriate provider, employee, or other appropriate person.
- Exempt from the requirements of the bill any written communications that were generated by GenAI and read and reviewed by a human licensed or certified health care provider.
- Violations by a physician are subject to the jurisdiction of the Board, or Osteopathic Medical Board of California, as appropriate.

BACKGROUND

In April 2024, the Federation of State Medical Boards (FSMB) House of Delegates published guidance on artificial intelligence (AI), titled: [Navigation the Responsible and Ethical Incorporation of Artificial Intelligence into Clinical Practice](#). The document points out that AI is already being applied in all aspects of a physician's workflow and offers to medical boards the following principles, with related recommendations, to support the responsible and ethical regulation of clinical care that incorporates AI:

- Transparency and Disclosure
- Education and Understanding
- Responsible Use and Accountability
- Equity and Access
- Privacy and Data Security
- Oversight and Regulation

- Continual Review and Adaptation of Law and Regulations

With respect to “Transparency and Disclosure,” the FSMB guidelines recommend that “Licensees should be required to maintain transparency about the use of AI in healthcare.”

ANALYSIS

According to the author’s (who is also the bill sponsor) fact sheet:

“Receiving healthcare is a personal experience. It can often take months for patients to develop trust with their healthcare provider. GenAI allows clinicians to further personalize patient care, diagnosis, and medical research. However, this may come with unintended consequences, as patients struggle to understand who they are communicating with and how their information is being used. Healthcare providers who deploy GenAI have to mitigate these unintended consequences to ensure that the deployment of this technology doesn’t deter patients from receiving the crucial care they need.”

”AB 3030 requires healthcare providers using GenAI to provide notice of the nature of the communication with patients. This bill also requires healthcare providers to publish clear instructions for how patients can directly communicate with a healthcare provider if they prefer. AB 3030 is an important step towards instilling public trust and ensuring the ethical use of GenAI in healthcare.”

Key Definitions in the Bill

“Artificial intelligence” means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

“Generative artificial intelligence” means artificial intelligence that can generate derived synthetic content, including images, videos, audio, text, and other digital content.

Requirements for Facilities, Clinics, and Providers

A health facility, clinic, physician’s office, or office of a group practice that uses GenAI to generate written or verbal patient communications shall ensure that those communications include both of the following:

- A disclaimer indicating to the patient that the communication was generated by GenAI.
- Clear instructions permitting a patient to communicate with a human health care provider, or other appropriate person.

Written Communication Disclaimers

For those involving physical and digital media, including letters, emails, and other occasional messages, the disclaimer shall appear prominently at the beginning of each communication.

For those involving continuous online interactions, including chat-based telehealth, the disclaimer shall be prominently displayed throughout the interaction.

If a written communication is generated by generative artificial intelligence and reviewed by a human health care provider, the disclaimer shall indicate that the communication was generated by generative artificial intelligence and reviewed by a human.

Audio/Video Communication Disclaimers

For audio communications, the disclaimer shall be provided verbally at the start and the end of the interaction. For video communications, the disclaimer shall be prominently displayed throughout the interaction.

FISCAL: Unknown, likely minor enforcement costs to the Board related to complaints about Board licensees who violate the bill.

SUPPORT: Oakland Privacy

OPPOSITION: None identified.

ATTACHMENT: [AB 3030, Calderon – Health Care Services: Artificial Intelligence.](#)
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