

MEDICAL BOARD OF CALIFORNIA  
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 3030  
 AUTHOR: Calderon  
 CHAPTER: Chaptered, #848  
 BILL DATE: August 15, 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.

**AB 3030 was not amended after the previous Medical Board of California (Board) meeting.**

IMPLEMENTATION TASKS

- Write and distribute an email to all physician licensees to increase awareness of the requirements of this new law and publish that content on the Board's [Medical Resources webpage](#) (expected December 2024).
  - Include this information in an article in the Q4 2024 Board newsletter (expected to be published in January 2025).
- Create a complaint code in the BreEZe system for enforcement tracking purposes (completion date is TBD).
- Report in the Board's newsletter (expected to be published in January 2025).

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.](#)  
Version: 9/28/24 – Chaptered