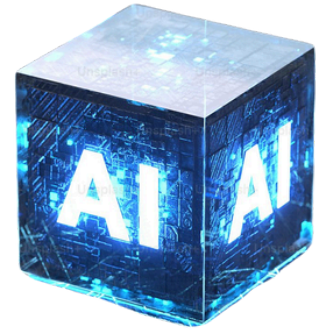


Risk Management Insights

Exploring the Potential Risks of Emerging Artificial Intelligence Use in Healthcare

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While Artificial Intelligence (AI) is certainly not new, this technology is growing, quickly advancing, and gaining much press. Within growing AI healthcare technology there are surgical robots, disinfection robots, imaging diagnostic software, scribe applications, automated scheduling, AI-powered chatbots with virtual assistance – among many other available tools.ⁱ As of a July 2025 update from the Food and Drug Administration (FDA) in the United States, the pace of FDA approvals appears to be accelerating and the FDA has authorized over 100 AI medical devices.ⁱⁱ



AI technology offers the promise of greater practice efficiency, but – as was evident in the adoption of EHR – its successful integration depends on thoughtful implementation and adequate provider training to manage the challenges that often accompany new health information tools. At the same time, AI should be viewed as a support tool rather than a substitute for a doctor's patient-specific clinical assessment and judgment. This article examines the potential risks and complexities associated with this rapidly evolving technology; it is not intended to cover the AI topic in its entirety.

Scribing and Medical Documentation

AI has been adapted for scribing and generating medical documentation. Certain AI applications listen to doctor-patient verbal interactions and can generate documentation based on technology that converts voice interaction to text. Doctors may leverage this technology to improve patient engagement by focusing on active listening, sustaining eye contact, and observing body language. However, unless verbalized, these observations along with physical exam findings would not be incorporated into the record. If utilizing AI for scribing purposes, human proofreading and oversight is recommended to ensure that essential patient encounter information is not omitted from the record. Doctors are also encouraged to consider these due diligence questions: Is there documented patient consent to be recorded? Where, and for how long, are the recordings stored? Who has access to the recordings?

Early Intervention Uses

AI technology may be used to support early intervention and preventative treatment such as caries detection and periodontal disease detection. In endodontics, doctors have begun using it for identifying periapical lesions, crown and root fractures and assessing the quality of existing root canal treatment.ⁱⁱⁱ

While this technology may improve efficiency for dentists, it is not free from error. Accuracy issues can arise when a factor or characteristic is missed by the algorithm, or false-negatives, false-positives, or misinterpretations are made. These are further use cases that demonstrate the need for human oversight.



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AI Technology and the Unknown Liability Considerations

What occurs when AI software influences a less-than-ideal outcome? What if AI generated content misinforms a doctor impacting a treatment decision? In such cases, plaintiff attorneys may argue provider liability in the absence of a doctor independently reviewing or evaluating the AI generated content. Courts have not yet established clear guidelines on what constitutes the “standard of care” when AI is involved, or whether such cases might be viewed in the context of product liability issues. As of today, while AI software and algorithms are not considered tangible objects, the unpredictable nature may or may not be covered by product warnings or design defects. As more traction develops with this technology, courts may decide whether they are categorized as products under the law.

As with any claim, liability will depend on the facts of each case and is sometimes shared between two or more defendants. When considering cases involving AI and potential liability, it is important to remember that everyone involved with a patient’s care and treatment has a responsibility to provide accurate and safe patient care, as well as understand each medical device and AI technology that is utilized when caring for patients.

The Main Takeaway: Doctor Oversight is Still Necessary

Doctors are encouraged to consider the pros and cons, understand any AI technology before using it, and remember that it does not replace their professional judgment. From a risk management standpoint, if a practice intends to utilize AI, use it to supplement or support human practices and clinical decision making, not as a replacement. Human involvement and oversight are still necessary; most importantly, users must understand AI’s inherent limitations.

References

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ⁱⁱⁱAmerican Dental Association. (2022, December 30). Dentistry- Overview of Artificial and Augmented Intelligence Uses in Dentistry. ADA SCDI White Paper 1106. www.ada.org



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