Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Health Ranking Member Anna G. Eshoo

Hearing on "Understanding How AI is Changing Health Care"

November 29, 2023

Thank you very much Mr. Chairman, your words mean a great deal to me and I'm deeply moved and touched by the expression by all of the members of this subcommittee. You know how much I love this committee, and we've gotten so many important things done, gotten them over the finish line. Let's optimize our time so that we can continue that tradition. So, thank you to each one of you – you're all my friends, my fellow Americans, and my fellow colleagues.

There's so much I want to say, and really there aren't words to express how deeply, deeply grateful I am. And the messages that have poured in, I've kept them all, and I re-read them before I go to sleep at night. They're really beautiful, it's like falling asleep on this magnificent cloud of goodwill, so thank you from the bottom of my heart.

So, here we are to discuss AI and healthcare, and the nexus between the two is a very, very, very important one. AI represents an incredible opportunity for our country and it has the potential to make our health care system more efficient, improve patient experiences and reduce burdens on physicians.

New ways to use AI in the health care setting are consistently in the headlines: I think all of you see this in your national clips that you read at the end of every day:

- The New York Times in October 2023: "New AI Tool Diagnoses Brain Tumors on the Operating Table"
- Forbes in August 2023: "AI is a Game Changer For Toughest Areas of Drug Discovery."
- Wall Street Journal in November 2022: "U.S.-Backed Researchers Use AI to Probe for Weaknesses in Drug Supply Chains."

Despite its incredible promise, AI, we know, and some of the fathers and mothers of AI have instructed us on the potential, it's on the other side of the spectrum, to worsen patient outcomes and exacerbate inequities that we have in our health care if not deployed with adequate guardrails.

Earlier this month, reports found (and a lawsuit now alleges) that UnitedHealth Group, one of the largest insurers in the country, used an AI-algorithm to wrongfully deny care to Medicare Advantage beneficiaries. The AI-algorithm made decisions about patient care that went against the recommendations of the patients' own physicians.

Another example is that our nation's children are being left behind as AI in medical imaging rapidly expands. To date, there are no computer-aided detection, computer-assisted triage, or

computer-aided diagnosis radiology products authorized for pediatric uses. And these pediatric radiologists are working with children – they can't experiment on children. In many areas, the red lights are blinking, and we need to pay attention to that. Children are not little adults. I'm working on a proposal to address this gap for pediatric patients.

And my view, and the view of both Republican and Democratic members of both the House and Senate, have created legislation that would democratize AI. Today, the resources, the massive resources, are really in the hands of a handful of very large, high technology companies. But we have many sectors in our country, and the health sector, the medical sector, needs to be a partner in this as well. So, this legislation, I'm so proud that there are members of this committee, including Mr. Obernolte, that are original cosponsors of that legislation, and I would urge those of you that are not on it to take a look at it so that we can get that over the finish line in this Congress.

So, I'm pleased that the witnesses are here, I'm happy to be with each one of you, my colleagues. I think that this committee can lead the effort on AI as it applies to healthcare – in fact, we must. I don't think this is comme-ci, comme-ca. It's not on the one hand, but on the other hand. We have to rise to this challenge, and I think that we have the capacity to do so.

So thank you, Mr. Chairman, I yield back."