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ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115
Majority (202) 225-3641
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December 20, 2023

Dr. David Newman-Toker, M.D., Ph.D.
Director, Division of Neuro-Visual and Vestibular Disorders
Department of Neurology
Professor of Neurology
Johns Hopkins University School of Medicine
3400 North Charles Street
Baltimore, MD 21218

Dear Dr. Newman-Toker:

Thank you for appearing before the Subcommittee on Health on Wednesday, November 29, 2023, to testify at the hearing entitled "Understanding How AI is Changing Health Care."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Friday, January 5, 2024. Your responses should be mailed to Emma Schultheis, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Emma.Schultheis@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Brett Guthrie
Chair
Subcommittee on Health

cc: Anna Eshoo, Ranking Member, Subcommittee on Health

The Honorable Morgan Griffith

1. Are there any privacy implications involved with using AI learning machines to help diagnose patients? It is my understanding that AI technology is constantly learning by new data being added into the system so what exactly does this AI software do with the diagnoses it finds for a patient when it is sent it to a provider or doctor's office?
2. In your testimony, you mentioned how AI technologies use electronic health records to learn and create a uniform data set and how if the initial clinical diagnosis the AI system is learning on is faulty, it could lead to the same mistakes human make. How do you correct this and ensure it does not happen?
3. Fraud, Waste, and Abuse costs hundreds of billions of dollars per year in health care. We currently do not have a good system in place to prevent this waste. Do you think this is one area that is ripe for AI to potentially be able to step in and provide a more robust system to analyze waste?

The Honorable Anna Eshoo

1. I introduced the *CREATE AI Act* (H.R. 5077) to give medical researchers in all sectors of society, including academia, small businesses, nonprofits and government agencies equitable access to resources needed to develop AI technology.
 - a) Do you support this bill?

The Honorable Nanette Barragán

1. The human component in the development and deployment of AI is important since humans can observe patterns or biases in AI-generated content. How do you recommend the medical technology workforce is diversified or trained in digital literacy so that AI algorithms do not reinforce racial biases and other biases?
2. Due to existing systemic inequities in our healthcare system, there is a lack of robust medical data for Black, Latino, and Asian communities. I am concerned that the use of AI that relies on this data will not serve all communities in an equitable way. Will increased diversity in clinical trials help improve AI algorithms and ensure health disparities are not worsened?