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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-H 7190, RELATING TO INSURANCE -- THE TRANSPARENCY AND ACCOUNTABILITY IN ARTIFICIAL INTELLIGENCE USE BY HEALTH INSURERS TO MANAGE COVERAGE AND CLAIMS ACT March 3, 2026

This bill would require insurers to disclose to the Office of the Health Insurance Commissioner and the Department of Business Regulation how they use Artificial Intelligence (AI) to manage claims and coverage, including the types of AI models used, the role the models played, and the resulting determinations. The ACLU of Rhode Island supports the bill's overall goal of preventing harmful uses of AI in health insurance decision-making, but we believe the legislation should be amended to include explicit disclosure requirements to the individuals whose benefits are impacted by this system.

We recognize the potential for AI in the healthcare arena to improve patient care, reduce administrative burden, and thereby reduce costs. But as we have seen from the use of AI in other sectors, there are risks to confidentiality and discrimination in its unfettered use. In the healthcare sector, specifically, it can lead to worsening health outcomes and healthcare disparities. We appreciate that this legislation increases oversight for the use of AI in health insurance decisions to ensure that biased systems are not summarily making sweeping life or death decisions for patients that are already facing systemic disparities in healthcare.

However, when AI is used in critical areas, such as health insurance benefit determinations, additional safeguards are essential. At a minimum, individuals should receive clear notice when AI is used in making their benefit determination. While the bill requires compliance with the appeals process set forth in R.I.G.L. §27-18.9, it does not appear to require disclosure to the affected individual that AI was used in the determination. Without such notice, the right to appeal and the right to opt-out of the AI use are both undermined because the individual cannot meaningfully challenge the role AI may have played in their benefit determination and its potential impact on their access to care.

Thank you for considering our views.