

Guideline for Physiotherapists on the Responsible Use of AI in Clinical Practice

Introduction:

It is essential for registrants to educate themselves regarding the responsible and ethical use of Artificial Intelligence (AI) in practice. This guideline will focus on the issues related to the use of technology when implementing a tool, such as AI, into their practice.

While the College of Physiotherapists of Manitoba (CPM) acknowledges the potential for Generative AI to impact accessibility and reduce administrative burden, physiotherapists and student physiotherapists must also consider the significant ethical, legal and professional challenges that may come with its use.

Definitions:

Artificial Intelligence (AI) is an umbrella term that refers to the ability of a machine (e.g. computer) to perform tasks associated with intelligent beings, such as reasoning, language comprehension and decision making.

Generative AI (GenAI) refers to advanced AI systems that can be prompted to promote new content including audio, text and videos, in response to prompts from users. Gen AI relies on massive datasets and complex underlying algorithms and computer models.

Purpose:

This document provides guidance to registrants of CPM about the importance of relevant legal and professional obligations while considering implementing AI in their practice. This document is not a policy *per se*, nor does it establish any new expectations for physiotherapists or student physiotherapists. Rather, this document clarifies how existing professional expectations can be met when using AI.

College position on AI

The College's position is that physiotherapists and student physiotherapists are expected to comply with all their existing professional expectations, including those set out in relevant legislation, the Code of Ethics, and College position statements/practice standards and policies, when engaging in the use of AI.

Relevant professional expectations

Legal and professional expectations that govern physiotherapy practice are set out in the College's Reference Guide, policies, and relevant legislation. A number of these obligations are relevant to the use of AI by registrants and are articulated below. These obligations are not unique to the use of AI, as they apply to physiotherapy practice universally.

Expectations:

1) Responsible Use and Accountability

- a. CPM does not regulate clinical tools or technology; the College's role is to regulate registrants who use these tools. Registrants are ultimately responsible for the use of AI and may be held accountable if any harm comes from its use.
- b. Physiotherapy care provided should reflect clinical reasoning and professional judgement. AI is intended to assist and complement clinical care.
- c. If a registrant chooses to use AI in their practice, it is essential that they understand the tool's intended purpose, limitations, risks and benefits to ensure safe and competent use. The physiotherapist should consider if the tool suits its intended purpose, is reliable, valid and up to date, transparent regarding the data it was trained on, and the tool should be explainable to patients when getting informed consent.
- d. Workplaces and employers should develop policies and procedures for responsible use of AI.

2) Informed Consent

- a. With a novel technology such as AI, CPM recognizes that it may be challenging to communicate the risks and benefits accurately and comprehensively. Registrants are reminded that the Code of Ethics and all standards of practice apply respecting disclosure and informed consent regarding the use of AI tools in providing care.
- b. Informed consent is not listing AI-generated risks and benefits, but instead a meaningful discussion and shared decision-making with the patient. One of the primary goals of the informed consent process as a component of good care is to ensure patient autonomy in clinical decision-making. This is accomplished both by informing patients about the care they are receiving, including assessment and management decisions, and safeguarding patient privacy. Use of AI has implications for these issues and must be disclosed.
- c. For informed consent to be valid, a patient must be adequately informed about their diagnosis and treatment options, the risks and benefits involved, and reasonable alternatives. If an AI tool is used in clinical decision support, registrants should:
 - i. disclose how GenAI tool was used,
 - ii. discuss capabilities and limitations of the tool,
 - iii. discuss safeguards that have been put in place to manage bias and ensure validity and reliability, and
 - iv. be able to independently explain components of diagnosis and treatment options to fulfill their professional responsibilities relating to the informed consent process.
- d. A lack of transparency regarding the role that AI has played in the delivery of care and the inability of the registrant to communicate with the patient can undermine trust and may serve to highlight the registrant's lack of understanding of how the AI tool works.
- e. Informed consent is also important for privacy reasons. Because data received during a patient encounter may be entered into AI tools, registrants must receive a patient's informed consent in advance of use. This is necessary for tools such as AI Scribes that record patient encounters. The discussion should include the reasons for making the recording, how patient data may be accessed, used, or shared, as well as potential risks involving data integrity and privacy. Patients also need to be informed about their right to refuse, withdraw, or modify consent, and their access and copying rights under PHIA if the recording is maintained as part of the patient record.

3) Complete and Accurate Information

- a. Currently, AI is commonly used as a clinical scribe by automating documentation of care. This may lead to incomplete or inaccurate records and subsequent patient harm if not reviewed.
- b. Registrants must be mindful that the requirements of CPM's Practice Direction for Documentation applies to documentation created with the support of AI. Registrants must ensure that the patient's record accurately and completely reflects their involvement in care. As such, registrants must not rely on content created by an AI system as the sole or final source of information. Rather, they must verify and validate any generated content to ensure it is accurate and complete before it is entered into the patient record.
- c. With regards to recordings captured by an AI tool (audio, video or transcript), registrants should retain the complete recording, or transcript if generated, as part of the patient record.
- d. Registrants are expected to record the context in which documentation is generated. This should include the author's identity, for example the registrant, learner, scribe, or allied healthcare provider. Documentation should include notation of any assistive technology used to generate the note, for example, dictation software or an AI scribe.

4) Bias and Equity

- a. Physiotherapists must ensure that clinical decisions and recommendations are not biased. Potential biases and risks related to the use of AI can arise from the source data. Biased training data incorporated into AI tools may ultimately impact patient care and because of the potential that AI could perpetuate, rather than eliminate, bias in healthcare.
- b. AI systems encumbered by prejudiced, false, or inaccurate information may carry a bias that can be detrimental to providers and harmful to patients. Registrants should therefore make reasonable efforts to identify and address such biases before using AI systems in patient care. Registrants should use caution in interpreting AI generated content, accounting for the demographics and health context of the patient they are assessing.
- c. Registrants are expected to respect the dignity, diversity, cultural values, and rights of patients and colleagues, and avoid using AI to create or disseminate content that is discriminatory, offensive, or harmful.

5) Confidentiality and Data Security

- a. Registrants are expected to ensure compliance with PHIA, as well as employer/facility policies.
- b. Registrants are legally and ethically required to ensure confidential information, including the patient's personal information and personal health information, is adequately protected.
- c. Part of the use of AI in documenting care requires these systems to access and review personal health information. Registrants should be aware of what security measures are in place to ensure the information provided to AI systems remains secure and in compliance with existing provincial and federal laws, as well as the patient's preferences. Registrants should consult with their IT or cybersecurity expert to ensure that any AI system used has appropriate data security, confidentiality, and retention protocols.

6) Data Sovereignty

- a. Principles of ownership, control, access, and possession ("OCAP") assert that First Nations have control over data collection processes and that they own and control how this

information can be used. Registrants should consider whether the AI policy within their practice setting is respectful of data sovereignty for Indigenous peoples.

7) Patients Using AI

- a. People are using GenAI in their personal lives, including for health advice. ChatGPT and other Chatbots have the potential to significantly impact how patients acquire medical information online. This includes tracking health statistics and to help understand signs and symptoms. In some cases, they may wish to bring this information to the attention of their physiotherapist. In fact, many GenAI products advise users to review information provided with a qualified practitioner. Registrants should be prepared for this to occur more often in practice and should consider a respectful approach to handling the situation.

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