Telehealth webinar: AI and Telehealth
Held on: Wednesday 13 September 2023

Questions and answers

Thank you for sending through your questions during the live webinar. Unfortunately, not all questions could be answered by the panellists, however, below is some information which may be useful.

Currently AI is not regulated in NZ healthcare system. When the new Therapeutics Bill comes into force, AI will be regulated as other software will be in healthcare. Software will be considered as a medical device and follow medical device regulations if used for therapeutic reasons. Currently, medical devices have to be registered in the WAND database but the Therapeutics Bill will require all medical devices (including software) used for therapeutic reasons (preventions, diagnosis, treatment, etc.) to also be evaluated for safety and effectiveness as well as registered.

The first bit of advice on AI from Te Whatu Ora is not to use LLMs for clinical decisions. Presumably, this also covers the use of Nabla which uses an LLM API to generate clinic notes and appears to be in use in New Zealand.

Links about regulation of AI in other countries:

- Australia: ***Regulation of software based medical devices***
- UK: ***Software and AI and a medical device change programme***
- FDA: ***Software as a Medical Device (SaMD)***

(Above information provided by Chris Paton, Director, Postgraduate Digital Health Programme, University of Otago)

Te Whatu Ora has a National AI and Algorithm Expert Advisory Group and any new clinical AI tools for use in health services should be coming through that group for assessment prior to use.

– Robyn Whittaker, chair, National AI & Algorithm Expert Advisory Group, Te Whatu Ora – Health New Zealand.