

Legal Challenges of Artificial Intelligence (AI) Governance in Healthcare

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ABSTRACT

The trend towards digitization of society and the introduction of artificial intelligence (AI) tools is ubiquitous today and is becoming the strongest driver of social change, generating many excellent solutions in the public sector, including healthcare. Experts believe that AI could completely transform healthcare and redefine the role of healthcare professionals. Given its application in healthcare, it is important that we are not only aware of the benefits but also understand the potential risks it brings. The intersection of AI governance in healthcare and legal challenges reveals a notable research gap identified in empirical studies. This gap is also evident in Slovenia, particularly in identifying actual AI applications in healthcare and related legal challenges. My dissertation will focus on the legal challenges associated with AI governance in healthcare, especially regarding the (non)realisation of selected fundamental (human) rights, such as privacy and data protection, equality before the law and non-discrimination. The study will address the closely related issue of the (non)transparent functioning of AI tools. The dissertation will address two main research questions: 1. How does the use of AI tools in healthcare affect the (non-)realisation of selected fundamental (human) rights of individuals, such as the right to privacy, data protection and non-discrimination? 2. What adjustments and improvements to the existing Slovenian legal framework are proposed to fully address the challenges related to the realisation of selected fundamental (human) rights when using AI in healthcare? In the theoretical part, normative, doctrinal and comparative methods are used to analyse academic literature, legal frameworks and international reports. The empirical part includes surveys and semi-structured interviews with professionals from public health institutions and research centres involved in the use of AI. The dissertation will contribute to a comprehensive understanding and solution to the legal challenges of AI governance in healthcare.

Keywords: legal challenges, artificial intelligence governance, healthcare

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