Ethical Concerns in the Use of Artificial Intelligence for Patient Safety Research: An Examination of the Adequacy of Nigerian Laws

DORCAS A. AKINPELU
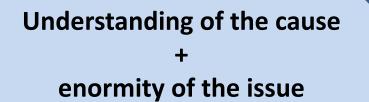
Faculty of Law, University of Ibadan, Nigeria

&

SIMISOLA O. AKINTOLA (Prof.)

Faculty of Law, University of Ibadan, Nigeria

BACKGROUND/INTRODUCTION

MEDICAL ERRORS

PATIENT SAFETY

Understanding of the cause
+
enormity of the issue

=

Development of viable
solutions + building of
safer health system

ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH

Possibility of bias and discrimination

Underrepresented data fed into AI algorithm

Disclosure of AI predictions to 3rd parties

Onerousness of assigning responsibility and liability

Opaque nature & unpredictable effects of Black-box AI
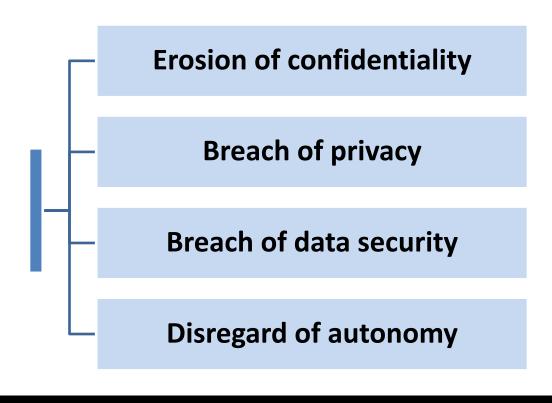
Problem of many hands

ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH
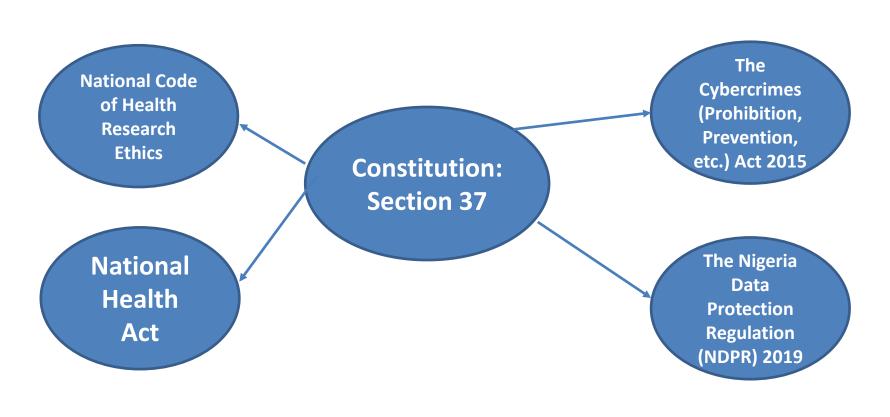
Onerousness of obtaining informed consent

Black-box problem

Novelty and technological intricacies of AI

ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH

- Erosion of confidentiality
- Breach of privacy
- Breach of data security
- Disregard of autonomy

NIGERIAN LAWS AND ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH

NIGERIAN LAWS AND ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH

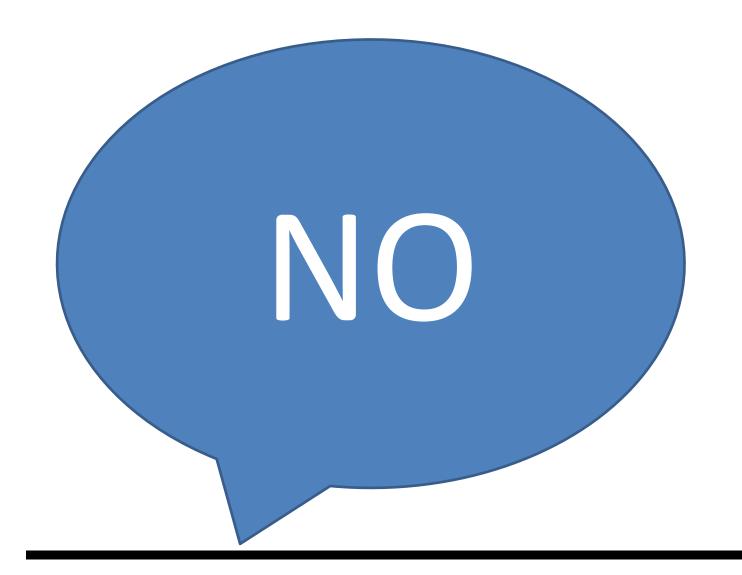|	
The Federal Republic of Nigeria Constitution 1999	Privacy is recognized as a fundamental right.
The National Health Act (NHA) 2014	The confidentiality of health users' information as well as informed consent is recognized and guaranteed.
The National Code of Health Research Ethics (NCHRE) 2007	The right to privacy is recognized; the need to obtain informed consent as a precondition for conducting any health research, and third-party data use is acknowledged.
The Cybercrimes (Prohibition, Prevention, etc.) Act 2015	Data security, privacy, and confidentiality is ensured.
The Nigeria Data Protection Regulation (NDPR) 2019	Data is protected in its collection, storage, processing and use.

NIGERIAN LAWS AND ETHICAL CONCERNS IN AI-ASSISTED PATIENT SAFETY RESEARCH
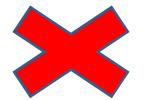
ARE THESE LAWS ADEQUATE TO ADDRESS THE CONCERNS RAISED

WHY?

Specificity

Patient safety and/or AI in mind.

Clarity on how existing guidelines should be interpreted in the context of patient safety research/AI.

WAY OUT

A Governance Framework

WHY GOVERNANCE FRAMEWORK?

Complex system

Diverse players and organizations

Guiding ethical principles, directions and rules

General acceptance

WHY GOVERNANCE FRAMEWORK?

Appropriate delineation of rights & duties

Expansive coverage

Adaptation to diverse circumstances

Collaboration, inclusion and oversight

❖An enabling environment

❖Smart and effective regulation

❖Regulatory standards for new AI technologies

❖Dedicated oversight body