Mount Sinai Beth Israel
Mount Sinai Brooklyn
Mount Sinai Hospital
Mount Sinai Morningside
Mount Sinai Queens
Mount Sinai West
New York Eye & Ear Infirmary
Mount Sinai South Nassau
Mount Sinai Doctors Faculty Practices

MOUNT SINAI HEALTH SYSTEM POLICY & PROCEDURE

POLICY TITLE:	MSHS AI Implementation and Use Policy		
POLICY NUMBER:	MSHS 223	POLICY OWNER:	DTP
ORIGINAL DATE OF ISSUE:	01/01/2025	LAST REVIEWED DATE:	01/27/2025
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I. BRIEF POLICY SUMMARY/PURPOSE

The purpose of this Policy is to establish guidelines for the responsible, ethical, and effective implementation and use of artificial intelligence ("AI") within Mount Sinai Health System ("MSHS"). This Policy is intended to ensure that AI technologies are procured, developed, integrated, and deployed within MSHS while minimizing risks; complying with applicable laws and regulations; conforming with standards for privacy, confidentiality, cybersecurity, and data security; upholding ethical principles; and ensuring patient safety, care quality, and equitable outcomes.

AI is a rapidly evolving area. This Policy may be amended or supplemented on an ongoing basis. Please review this Policy regularly.

II. SCOPE

This policy applies to all MSHS employees, voluntary physicians, students, trainees, volunteers, contractors, and third-party vendors who interact with, develop, or implement any AI Tools (as defined below) within or for the benefit of MSHS (collectively, "AI Users"), without regard to the location of the AI Users at the time they use the AI Tools, or whether the AI Users operate the AI Tools on MSHS equipment and systems, on the AI Users' personal devices, or on third-party electronic devices. This policy covers all AI technologies, including, but not limited to, AI Tools incorporating generative AI, machine learning, natural language processing, robotic process automation, and computer vision.

III. DEFINITIONS

a) "AI Tool" is any app, software, or system (whether internally developed or publicly available, or otherwise obtained from a third party) used in connection with performing MSHS job-related tasks or responsibilities, or using MSHS equipment and systems, that can independently change its own analytical methods and utilizes AI (including Generative and Algorithmic AI), machine learning, or

other advanced algorithms to perform tasks, analyze data, or make (or assist in making) decisions. AI Tools may utilize GAI, AAI, or both.

b) "Algorithmic AI" or "AAI" is a technology that analyzes data with machine learning algorithms and can make decisions or predictions based on the data (*e.g.*, diagnostic tools, risk prediction models).

c) "Generative AI" or "GAI" is a technology of AI that emulates the structure and characteristics of input data in order to generate content such as text, images, videos, or other digital content (*e.g.*, ChatGPT, Bard, DALL-E, and Midjourney).

d) "Sensitive Information" collectively includes any personally identifiable (including medical records or student records), proprietary, confidential, privileged, or otherwise protected information or data relating to, belonging to, or received from MSHS patients, employees, students, trainees, donors, or collaborators, or relating to any MSHS non-public research, applications, or developments, including confidential or proprietary business information and trade secrets belonging to MSHS, its employees, or its research collaborators.

IV.   POLICY

General Principles

a) *Relevance*: AI Users should only use AI Tools in circumstances when those tools enhance or assist job-, training-, and education-related tasks within or for the benefit of MSHS by enhancing patient care, productivity, efficiency, and/or decision-making.

b) *Limited scope*: AI Users should use AI Tools only for specifically identified and approved uses.

c) *Transparency*: To the extent possible, AI Users should inform employees and patients about the particular uses of AI Tools.

d) *Explainability*: The sponsors and users of an AI Tool should be able to describe in simple terms, and document in writing, what the model does, how it works, and its expected benefits. Sponsors should maintain written benchmarks, evaluation metrics, validation tests, or other methods to track if an AI Tool is functioning as intended.

e) *Education*: AI Users and colleagues whose work involves outputs from AI Tools should be taught what each AI Tool does and how to use it and/or its outputs properly, and how to explain the AI Tool to anyone else who interacts with the AI Tool or its outputs, including patients.

f) *Fairness*: AI Users must ensure that AI Tools are used in a fair and unbiased manner, and the appropriate personnel must regularly evaluate and audit AI Tools to identify and mitigate any biases or any inequitable outcomes.

g) *Human oversight*: AI Users must have the ability to override any decisions made by AI Tools, ensuring that human oversight is always present in the decision-making process. In some cases, AI Tools will generate outputs that must be validated before they are utilized or relied upon.

h) *Privacy*: AI Users must respect the privacy of MSHS patients, employees, students, and trainees, and ensure that any data collected is used only for legitimate and legally compliant purposes, including by obtaining the proper consents for such collection.

i) *Accountability and risk awareness*: When AI Users use AI Tools, AI Users must recognize the limitations of these technologies; carefully review models, inputs, and outputs for errors; and remain vigilant to identify potential risks, including but not limited to:

   . Input risks (*e.g.*, failure to obtain permission/consent to use input data; use of incorrect/incomplete/outdated data; use of biased or unrepresentative data; failure to anonymize or aggregate Sensitive Information)

   . Output risks (*e.g.*, biased or unrepresentative outputs; misleading, false, or hallucinatory outputs; outputs that include improper disclosures of Sensitive Information; outputs that plagiarize, fail to attribute, or infringe upon other materials; misinterpretation of outputs leading to incorrect decisions; unpermitted or infringing use of outputs by non-MSHS parties)

   . AI model risks (*e.g.,* unreliability based on model's design, training materials, or maintenance; lack of transparency or explainability)

   . Oversight risks (*e.g.,* failure to secure and protect Sensitive Information; unauthorized access to model or training/output data; inadequate testing or calibration)

j) *Reporting*: AI Users who have concerns regarding the implementation or use of an AI Tool should follow the Reporting Procedures set forth below.

V.   PROCEDURE

Use of Approved AI Tools

a) Any AI Tool utilizing Sensitive Information that is used within MSHS, or by MSHS' employees, contractors or third-party vendors in the performance of services for, on behalf of, or using the resources or information of MSHS, must be approved and implemented in accordance with this Policy (as set forth below), other relevant MSHS policies, and any laws and regulations applicable to the AI Tool.

b) When using AI Tools, AI Users must at all times comply with this Policy and other applicable MSHS policies, including MSHS policies regarding data usage, HIPAA compliance, AI use in specific applications (*e.g.*, teleconferencing software), intellectual property secrets, and records retention, as well as applicable laws and regulations. Please refer to those applicable policies for additional information on what might be considered inappropriate or unlawful use of AI Tools.

c) To the extent the use of an AI Tool includes information that is licensed from a third party, the AI User must be familiar with and comply with any restrictions on the use of the information contained therein, including the output data, and any restrictions on the use of licensed information in an AI Tool.

d) No AI User may use an AI Tool for personnel/employment decision-making purposes about applicants or employees (including decisions regarding screening, profiling, recruiting, hiring, retaining, promoting, transferring, monitoring the performance of, disciplining, demoting, or terminating) without the express written consent of MSHS' AI Executive Committee (as described further below).

e) The publication or distribution of the output of an AI Tool could result in the violation of the intellectual property rights of third parties. Prior to publishing or distributing content generated by an AI Tool (in whole or in part), an AI User must receive approval from an appropriate supervisor or manager. When publishing or distributing content generated by an AI Tool (in whole or in part), AI Users must make known – through disclaimer, citation, or otherwise – that the content has been generated by AI.

f) AI Users who violate this Policy may be subject to appropriate disciplinary action, up to and including immediate termination of employment or termination of contract (as in the case of a contractor or third-party vendor).

Reporting Procedures

a) AI Users are expected to contact their supervisor or manager immediately if they become aware of:
   - An actual or perceived violation of this Policy; or
   - A breach of MSHS's data privacy or security standards or requirements in connection with the implementation or use of an AI Tool. In the case of a significant breach affecting protected patient information, MSHS' Privacy Officer, Director of Risk Management and/or CIO/HIPAA Security Officer must be informed immediately. In the case of a breach relating to human subject research, PPHS must be informed immediately; or
   - Any known usage of and reliance on an AI Tool that violates other MSHS policies, including uses for insensitive, harassing, harmful, discriminatory, or biased purposes or outcomes, or that involve fraudulent or deceptive communications.

b) Reports made under this section will be investigated by either the AI committee that approved the relevant AI Tool's intended use or by the AI Risks, Ethics, and Policy Committee. AI Users must cooperate with any such investigation.

c) An appropriate MSHS AI committee may, in its sole discretion, decide to suspend use of the AI Tool during any such investigation.

d) To the extent corrective measures are required following the investigation, AI Users must cooperate in the implementation of those measures.

Procedures for Obtaining Approval of AI Tools

a) *Identification of AI Tool*: Prior to the purchase, implementation, or use of any AI Tool, the proposed sponsor must present the AI Tool to the relevant committee (*e.g.,* the AI Review Board) for

evaluation for its intended use, as outlined below. This procedure applies to any AI Tool an AI User seeks to utilize in connection with the performance of services for, or on behalf of, MSHS, or using the resources or information of MSHS, including Sensitive Information. For AI educational and research tools, the proposed sponsor must bring the AI Tool to School IT leadership for awareness and additional review, if necessary.

b) *Evaluation of AI Tools for Intended Use*: Prior to implementing any AI Tool that utilizes Sensitive Information, the sponsor must ensure the AI Tool has been evaluated by the appropriate individuals internally and found to be effective for its intended use. The approval of an AI Tool for one intended use does *not* mean that the AI Tool is approved for different uses; that is, ***each intended use must be separately evaluated and approved***. The evaluation of AI Tools will include, but not necessarily be limited to, the following:

- If the AI Tool will be used for **clinical or operational** purposes in the patient care setting, including to deliver patient care or for the billing or coding of services, MSHS' AI Review Board must review and approve the AI Tool for its intended use within or by MSHS to help ensure the technology will not compromise patient safety or quality of care.

- If the AI Tool will be used for a **research-related** purpose, MSHS' PPHS. must review and approve the AI Tool for its intended use within or by MSHS. Students and faculty using AI tools for research purposes must comply with MSHS best practices, including the Appropriate Use of Technology Policy and the guidelines for Ethical Usage of AI (*e.g*., prohibiting the input of Sensitive Information), and/or any tool-specific guidelines.

- If the AI Tool will be used for an **employment-related** purpose, MSHS' AI Executive Committee must review and approve the AI Tool for its intended use, including by consulting with the General Counsel's Office. If the AI Executive Committee approves the intended use, it will work with appropriate personnel in Human Resources and/or Labor Relations to ensure the AI Tool as utilized by MSHS complies with all applicable laws, regulations, and institutional standards. 4. If the AI Tool will be used by students and faculty for **educational** purposes, it must comply with MSHS best practices, including the Appropriate Use of Technology Policy and the guidelines for Ethical Usage of AI (*e.g.*, prohibiting the input of Sensitive Information), and/or any tool-specific guidelines.

  a. For AI educational and research tools evaluated for use by over 200 anticipated ISMMS users, the AI Teaching, Learning, and Discovery Committee ("AI TLD Committee") will assist in evaluating and providing guidance, pursuant to the AI TLD Committee charter, to enhance pedagogical practices, address plagiarism issues, and improve learner outcomes and research discovery.

  5. For all other intended uses of AI Tools, applicable Department leader(s) must review and approve the AI Tool for its intended use and, if approved, implement appropriate protocols to

govern its use in a manner that complies with all applicable laws, regulations, and institutional standards.

In evaluating AI Tools, the applicable Committee and/or personnel and applicable Department leader(s) will consider, as part of its analysis, how the AI Tool addresses and attempts to limit or avoid the potential for bias, risks associated with potential bias, and how those risks will be appropriately mitigated by MSHS.

If, after approval, either the AI Tool or its intended use within MSHS materially changes, the revised technology and/or intended use should be re-evaluated in accordance with this Section. Digital and Technology Partners ("DTP") will maintain a list of all AI Tools approved for use within MSHS, noting the current approved scope of use.

Procedures for Implementing AI Tools

If an AI Tool is approved for use, MSHS will identify the appropriate Department leader or designee who will work with the appropriate Committee to lead implementation of the technology, including:

a) *Identified protocols*. For each evaluated and approved AI Tool, the relevant Committee(s)/individuals will identify, document, and implement appropriate protocols for the AI Tool to ensure compliance with all applicable laws, regulations, and institutional standards. If, during the course of the implementation, any such protocol is determined by MSHS to be infeasible or insufficient, the relevant Committee(s)/individuals who approved the technology will be notified and they will work with the appropriate Department leader or other personnel to determine the best implementation strategy. If concerns arise in the implementation of an AI Tool, the Department leader should work with the applicable Committee(s)/individuals to address the concern.

b) *Applicable policies*. All AI Tools must be implemented so as to comply with the MSHS' relevant acceptable use policies (including IT-10, Acceptable Use of Technology Policy for ISMMS) and other applicable policies. The relevant Department leader or their designee will be responsible for ensuring an AI Tool is implemented in accordance with such policies and monitoring the use thereafter to ensure continued compliance.

c) *Contract review*. Any agreement for the purchase or use of an AI Tool will be reviewed in accordance with MSHS enterprise contract policy [*link*], as supplemented by any applicable AI Tool intake checklists.

d) *Informed consent and/or notice*. Prior to utilizing any AI Tool relating to the care of patients, PPHS will determine if the patient's consent is required and if so, will modify existing consent form(s) to include reference to the AI Tool or create a new consent form to address the technology. If AI Tool is used in connection with any research activity, such use must comply with any applicable

policies regarding research activities. If informed consent is not required for the use of an AI Tool, the appropriate department or committee will evaluate whether notice to patients is required or advisable. If so, the applicable *de*partment leader will work collaboratively to develop an appropriate notification process, which may include written notice, verbal notice documented in the patient's medical record, or general posts and signage within MSHS or on MSHS' website.

e) *Medical record documentation*. To the extent an AI Tool will be utilized in the generation of documentation included in the patient's medical record, providers and other users of the AI Tool must comply with all MSHS policies applicable to the timely and accurate completion of medical records. In no event may a provider or clinician utilize an AI Tool in the creation of patient medical record documentation without reviewing the record for accuracy and completeness and ultimately signing the record within the period required. MSHS will update its policies relating to medical record documentation as needed to incorporate use of AI Tools.

f) *Use & disclosure of PHI*. If a patient's individual identifying information will be utilized or accessed by the AI Tool, additional protocols must be implemented to protect the confidentiality and security of patients' protected health information, including, as applicable:

- notifying MSHS' Privacy Officer upon approval of the AI Tool;
- referencing the AI Tool in MSHS' HIPAA Security Risk Assessment;
- maintaining a copy of the signed Business Associate Agreement ("BAA") between the AI Tool vendor and the relevant MSHS entity, and storing the BAA along with other related contractual documents in the appropriate contract management repository;
- determining what, if any, additional training may need to be provided to users of the AI Tool and working with the appropriate Department leader(s) to provide and document the additional training.

g) *Billing, coding, revenue cycle policies*. To the extent an AI Tool is utilized in the billing, coding, or revenue cycle management process, the Department leader and/or their designee and/or MSHS' Chief Financial Officer or their designee shall be consulted to ensure the relevant policies applicable to the use of the AI are reviewed and updated, if needed.

h) *Compliance*. Upon approval for use of any AI Tool, the Compliance Department will be notified and provided with all relevant information about the AI Tool the Compliance

Department deems necessary to address the use of the AI Tool in MSHS' compliance program. Upon receiving notice of approval of an AI Tool, the Compliance Department will include the AI Tool in MSHS' compliance risk assessment and work with the appropriate Department leader(s) to identify risk mitigation measures to address the risks identified with the AI Tool and include those strategies in the developed work plan. The Department leader(s) will work collaboratively with the Compliance Department to respond to compliance-related inquiries and address compliance-related issues in the implementation of AI Tool or any risk mitigation strategies identified by the Compliance Committee and included in the Committee's work plan.

i) *Training*. The applicable Department leader(s) will be responsible for ensuring any users of the AI Tool are appropriately trained on the AI Tool, including the protocols for its use, the limitations and any specific risks of the technology, any specific privacy and/or compliance steps recommended by

the Compliance Department, and how to report concerns relating to the AI tool. Material changes to the AI Tool may require additional training and/or updates to training documentation.

Review & Assessment

After implementation of an AI Tool, the sponsor and the applicable Department leader(s) will periodically review and assess the performance of the AI Tool. Such review shall be no less frequent than annual, provided, however, that any AI Tool used in patient care settings, in the billing and coding of services, or in the employment context must be reviewed at least quarterly for the first 24 months of the use of the AI Tool. Thereafter, the relevant committee (*e.g.*, the AI Review Board) may approve less frequent (but no less frequent than annual) reviews. Material changes to an AI Tool will require additional review to ensure that the AI Tool's originally intended benefits are being met or exceeded and that the AI Tool remains in compliance with this Policy.

The review and assessment of the AI Tool will be documented and reported to the Committee(s) that approved the use of the AI Tool. Any concerns identified in the review and assessment will be reviewed by the applicable Committee and/or the Compliance Department, which will implement appropriate measures or an action plan to address the concerns.

Decommissioning and safely discontinuing an AI Tool once it has fulfilled its intended purpose or becomes outdated must be done in an ethical, legal, and privacy-compliant manner in line with any relevant regulatory requirements.

Outside Use by Employees

MSHS recognizes certain AI Tools provided by third parties are widely available to the public for use. Employees should only use AI Tools in the performance of their job duties if the AI Tool is supplied or approved for use by MSHS in accordance with this Policy, or if the AI Tool does not involve the use of any Sensitive Information. An employee who wishes to utilize such AI Tools to perform a job task must (i) first inform and obtain permission from their supervisor; (ii) must comply with this and all other applicable MSHS policies in the use of the AI Tool; and (iii) must not input or otherwise disclose to the AI Tool any Sensitive Information, unless otherwise specifically approved to do so.

Disclaimer

Nothing in this policy is designed or intended to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment or any other rights protected by the National Labor Relations Act or other applicable labor laws.

Referenced Policies

The MSHS policies referenced in or relevant to this Policy include the following: [*hyperlinks to various policies*]

Amendments to this Policy

AI technologies, along with the laws, regulations, and standards governing AI, are rapidly evolving and this Policy and related MSHS policies may be amended or supplemented to reflect the evolving landscape. Please review this Policy regularly.

VI.   REFERENCES
None at this time.

REVIEW/REVISION HISTORY

Reviewed	-*1/2025							
Revised								

- Policy developed
* System policy