

# AI Scribes Fact Sheet

Reading time:

MIPS Education

Date created: 25/02/2025

## How to use this fact sheet

If you intend to use an AI scribe in your practice, this information will help you understand – and comply – with important privacy and medico-legal obligations.

Your decision to use an AI scribe should be based on your preference, business needs and clinical circumstances. While AI scribes can assist with transcription, documentation, and summarisation, they don't replace professional judgment and critical thinking.

Please carefully evaluate the benefits and limitations before you choose to use an AI scribe.

## Before purchasing an AI scribe licence

- AI scribes are not regulated by the Therapeutic Goods Administration (TGA), so it is critical you are satisfied they are suitable for what you need.
- Consider requesting a trial period or demonstration. Carefully review any user or service agreement before signing and consider getting legal advice.
- Make sure you understand how the tool manages patient information. Here are some important questions to ask, as patients need to know and understand this before they consent:

Question	Implications for use
Is patient information stored or retained? If so, for how long?	Audio files or text transcripts used to generate AI outputs must be deleted or deidentified when no longer required (except in Victoria, NSW and ACT, where health information must be retained for 7 years since the patient was last seen or until a child reaches the age of 25 years).
Is patient information stored overseas?	While not unlawful to send patient information overseas, selecting an Australian-based AI scribe will minimise privacy requirements.
Is patient information used to train the AI model and is this made publicly available?	Avoid using an AI scribe that is open-source or shares any information publicly.
Is patient information de-identified? If so, how and is this sufficient?	If patient information is deidentified, then privacy obligations may no longer apply to that information, simplifying the use of the AI scribe considerably. However, you should check that it is sufficiently deidentified.
Is data encrypted and transferred securely?	Encryption will minimise the risk of inadvertent data breaches from the use of the AI scribe.

## Before patient consultation

- Ensure your privacy policy describes the use of AI scribes and that this is highlighted prior to the consultation.
- Consider putting information about your use of AI scribes on your website, at reception and in pamphlets/posters throughout your clinic. This should encourage patients to ask questions, so they're informed about AI scribe use.

## At patient consultation

- Before every consultation using an AI scribe, you must obtain consent from patients, and they must understand and consent to the following:

Issue/question	Patients need to know...
What is the purpose of the AI scribe?	<ul style="list-style-type: none"> <li>that the AI scribe is intended to assist documentation of the clinical consultation. It will be used to generate a medical record - it may also be used to generate a referral/ letter/ discharge summary.</li> </ul>
How does the AI scribe work?	<ul style="list-style-type: none"> <li>that the AI scribe will listen to, and audio record the consultation and convert what is said into text – the text will be converted into a medical record.</li> </ul>
What happens to patient information?	<ul style="list-style-type: none"> <li>that information about them is collected and processed by a third-party. They should be informed of the name of the software vendor.</li> <li>whether their information is stored and retained by the software vendor and, if so, for how long.</li> <li>whether their information is stored and/or processed overseas.</li> <li>whether any information about them is de-identified</li> </ul>

- Before each consultation with an AI scribe, you'll need to get consent. For follow-up consultations, the process may be quicker, simply reminding patients about the AI scribe and giving them a chance to ask questions or opt out.
- Using an AI scribe can shift how you run your consultations. Since the AI listens and records everything, you'll need to verbalise all aspects of the discussion more clearly.
- At first, you might find that consultations take a little longer while you get comfortable with obtaining consent, speaking out the full details, and reviewing the AI's notes. Also, remember to stay up-to-date with any local policies or guidelines at your clinic or health service about when, how, and by whom AI scribes are used.

## After the consultation

- AI scribes can make mistakes.
- You have a legal and professional obligation to check every AI output to ensure that it is accurate and appropriate.
- Where there are errors, inaccuracies or incomplete information, you should edit, amend or add to the record before finalising it.
- Failure to create an accurate output could lead to unintended patient harm or data breaches and could lead to medico-legal claims.
- Ensure that you continue to monitor your use of AI scribes to ensure that you are aware of any product updates or changes that may impact on legal compliance or patient consent.

## Key takeaways

- Ensure the AI scribe is designed and tested for medical purposes
- Ask for a trial period or demonstration
- Review any user or service agreement carefully
- Ensure you understand how the AI scribe works and what happens to patient information so you can explain this to patients effectively.
- Obtain patient consent before every consultation in which you intend to use an AI scribe
- Always review the accuracy of the AI scribe's outputs before adding this information to the medical records.
- Continually monitor your use of AI scribes.

## More information

- For medico-legal advice, please contact MIPS on 1800 061 113.

## Disclaimer

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