

Artificial Intelligence — A Brave New World

Christopher J. Churchill, Esq., Chair, Senior Living Group, Barley Snyder, LLP

Timothy G. Dietrich, Esq., Partner, M&A Transactions, Barley Snyder, LLP

Michael J. Crocenzi, Esq., Partner, Employment, Barley Snyder, LLP

Kevin P. DeAcosta, President & CEO, Aspire for Well-Being/The Highlands at Wyomissing

Yenma Herb, Systems Innovation Manager | Information Technology, RKL LLP

LANCASTER · YORK · READING · HARRISBURG · HANOVER · GETTYSBURG · MALVERN · HUNT VALLEY, MD · COLUMBIA, MD

What is Artificial Intelligence?

Artificial Intelligence (AI) is the ability of computer systems to mimic human cognitive functions, such as learning and problem-solving. AI uses math, logic and algorithms to simulate human reasoning, which allows it to learn from new information and make better decisions.

Why is Artificial Intelligence Effective?

AI systems can learn from their errors to improve their accuracy, and can process new information quickly and accurately. This makes AI useful for complex tasks like navigation, speech and image recognition, diagnosis, planning and design.

AI technology can process large amounts of data in significant ways, perhaps even better than humans.

Artificial Intelligence can enhance the lives of seniors in many ways:

- **Healthcare Monitoring**
- **Diagnosis and Care Planning**
- **Medication Management**
- **Safety and Daily Living Tasks**
- **Emotional Support and Connections**
- **Recreation and Entertainment**

Artificial Intelligence also can assist senior living communities:

- **Delivery of an Enhanced Senior Living Experience**
- **More Targeted and Effective Marketing**
- **Talent Acquisition, Evaluation and Longevity**
- **Contract Management and Regulatory Compliance**
- **Strategic Planning and Financial Analysis**
- **Operational Efficiencies and Cost Savings**

Examples

1. Independent Living/Home Care

- Smart homes – assistance in the operation of the home
- Enhanced communication
- Enhanced monitoring
 - Wearables and other sensors
 - Automated learning of individual's condition and changes
 - This will move beyond “falls, blood pressure, heart function and sleep” to “walking/gate, cognitive and other functions” through AI interaction

Examples cont.

- **Some tools are already emerging:**

- **Sensi.AI**

- **Stanford Partnership in AI – Home Care**

“We are designing an integrated solution for the remote monitoring, assessment and support of seniors living independently at home. We aim at improving the speed and reliability of health risk detection and support timely personalized intervention.”

Plan to monitor 17 activities of clinical relevance: eating, sleeping, falls, slowed movements, unstable transfers, front door loitering, day and night reversals, fluid intake, chair and bed immobility, urinary frequency, restlessness, fever, alcohol consumption, pill consumption, high salt diets, substance abuse and food consumption.

(med.Stanford.edu/pacresearch/research/senior-care.html)

Barley Snyder

Examples cont.

2. Robotics in Senior Care:

- Both home care and congregate care
- Both assistive robots and “social robots” - ex. ElliQ (elliq.com)
- This may seem scary, but it does offer some opportunity to address labor shortages and challenges driven by market factors
- This also may address resource limitations in healthcare/medicine generally for diagnosis and treatment – for example see this article published in August of 2023 on *Cureus*:

**“Artificial Intelligence (AI) and Robotics in Elderly Healthcare:
Enabling Independence and Quality of Life”**

<https://www.cureus.com/articles/175952-artificial-intelligence-ai-and-robotics-in-elderly-healthcare-enabling-independence-and-quality-of-life#!/>

Barley Snyder

What Are Some Potential Pitfalls of Artificial Intelligence?

- **Data Privacy/Security and Misappropriation (Identity Theft)**
- **Unauthorized Surveillance and Safety**
- **Quality and Effectiveness of Outcomes**
- **Lack of Transparency (Was it really you?)**
- **Protection from Discrimination (Employment Screening)**
- **Need for Assistance in Fraud Prevention & Deep Fake Detection in a Very Connected World**

Artificial Intelligence Legal Considerations:

- **Federal Artificial Intelligence Risk Management Act of 2024 (HR 6936)**
- **Pennsylvania Legislation (Task Force, Health Insurers and Employment)**
- **PA Agency Directives (PID – Insurers Mis-Use of Artificial Intelligence)**
- **HIPAA and PA Breach of Personal Information Law**
- **New FTC Privacy Rule – Online Health Data Restrictions**

AI in Employment

- **Recruitment:**
 - **Automated resume screening and candidate matching**
 - **AI-powered chatbots for initial candidate interactions**
 - **Predictive analytics for identifying potential candidates**

Barley Snyder

AI in Employment

- **Employee Onboarding and Training:**
 - **AI-driven onboarding processes**
 - **Personalized training modules using AI algorithms**
 - **Virtual reality (VR) and augmented reality (AR) for immersive training experiences**

AI in Employment

- **Performance Management:**
 - **AI-based performance evaluations**
 - **Continuous monitoring and feedback loops**
 - **Predictive analytics for identifying performance trends**

AI in Employment

- **Challenges and Ethical Considerations:**
 - **Bias in AI algorithms and its impact on decision-making**
 - **Privacy concerns related to employee data**

AI in Employment

- **Federal Government's Response:**
 - **April 25, 2023 Joint Statement from EEOC, CFPB, DOJ, and FTC on AI**
 - **EEOC's new resource on AI and Title VII**
 - **EEOC's litigation trend**

Barley Snyder

AI in Employment

- **Generative AI – the benefits and the pitfalls of hallucinations:**
 - **While Generative AI is a great tool, it also can produce inaccurate results. Being mindful of this and verifying is imperative.**
 - **Continuous monitoring of AI. Platforms/applications will continue to evolve and add AI components, so you must be vigilant and aware of security concerns.**
 - **Generative AI Policies and Mindset—You must train your team members and employees on how to ethically approach Generative AI and get the most out of it.**

Barley Snyder

OPPORTUNITIES

- **AI is developing VERY rapidly, although the hype may be outpacing the reality.**
- **Senior care organizations should:**
 - **Learn about AI capabilities**
 - **Monitor AI developments**
 - **Begin to assess how your organization can adopt and benefit from AI**
- **Organizations that ignore or dismiss AI eventually will be severely disadvantaged in the future marketplace. When that will happen is the question.**
- **Economics will drive change. The escalating costs of senior care are creating a financial crisis. AI tools will drive efficiencies that reduce costs.**

(“The Crushing Financial Burden of Aging at Home.” Wall Street Journal (online) Sept. 4, 2024, and in print as “Aging at Home Strains Finances” on Sept. 6, 2024.)

Barley Snyder

Thank you!

Christopher J. Churchill, Esq., Chair, Senior Living Group, Barley Snyder, LLP
717-399-1571 or cchurchill@barley.com

Timothy G. Dietrich, Esq., Partner, M&A Transactions, Barley Snyder, LLP
610-898-7154 or tdietrich@barley.com

Michael J. Crocenzi, Esq., Partner, Employment, Barley Snyder, LLP
717-814-5417 or mcrocenzi@barley.com

Kevin P. DeAcosta, President & CEO, Aspire for Well-Being/The Highlands at Wyomissing
484-220-8220 or DeAcostaK@thehighlands.org

Yenma Herb, Systems Innovation Manager, Information Technology, RKL LLP
717-874-4369 or yeherb@rklcpa.com