

MedChi

The Maryland State Medical Society



Your Advocate.

Your Resource.

Your Profession.



IMPACT UPDATE

MedChi's mission is to serve as Maryland's foremost advocate and resource for physicians, patients, and the public health.



From President Eric Wargotz, M.D.

Physicians often fear a "lose-lose" liability trap: being sued for ignoring an AI recommendation that turns out to be right, or being sued for following one that turns out to be wrong. However, legal outcomes will likely be determined by existing medical-legal frameworks rather than new AI-specific laws.

How Courts Determine Liability Today

Current malpractice litigation relies on two primary benchmarks:

- **Standard of Care:** Did the physician act as a "reasonable" majority of their peers would have in the same situation?



From CEO Gene Ransom, III

MedChi is committed to strengthening Maryland's health care system and protecting physicians ability to care for their patients through legislative advocacy. The 2026 Session of the Maryland General Assembly has now convened and I encourage everyone to participate and advocate for their patients and practices.

MedChi's Key Legislative Priorities for 2026 include...

Holding Health Insurers Accountable

MedChi will propose reforms to laws governing health insurance companies that delay patient care and allow insurers, not physicians, to determine what care is appropriate. Unnecessary credentialing delays prevent providers from joining insurer networks, and billing

- **Clinical Guidelines:** Did the physician follow established protocols from professional medical societies?

Predictions for AI in the Courtroom

Unless a new framework emerges, AI-related lawsuits will be judged by these existing standards:

- **Adoption Defines Liability:** A physician won't be liable for ignoring AI unless using that specific AI tool has already become the "standard of care" among the majority of specialists.
- **Process Over Outcome:** It is irrelevant if the AI was "right" in hindsight. The court only cares if the physician's decision-making aligned with what most peers or guidelines deemed acceptable at the time.
- **Peer-Driven Precedent:** Physicians, not lawyers, are in the driver's seat. By choosing which tools to adopt, physicians collectively define the legal "standard of care."

To mitigate liability risks, the medical community must take a proactive role:

- **Formalize Guidelines:** Medical societies should immediately establish clear standards for acceptable AI use in clinical care.
- **Curate Peer Adoption:** Physicians should advocate for high-quality tools (e.g., OpenEvidence) over general-purpose ones (e.g., ChatGPT). If a subpar tool becomes the "peer standard," it becomes the legal benchmark you are held against.

To conclude, liability is not determined by the AI's accuracy, but by peer consensus. Physicians mitigate their legal risk by actively shaping professional guidelines and deciding as a community which AI tools constitute "reasonable" medical practice.

practices that enable insurers to reduce billed charges cause physicians to spend more time on administrative tasks than on patient care. Our legislation will tackle these problems.

Strengthening Medicaid and Access to Care

MedChi will safeguard Maryland's investment in Medicaid by making sure payments to providers are set at rates that encourage their participation. Evaluation & Management (E&M) payment rates should be 100% of Medicare E&M rates to ensure access to care for all Marylanders.

Protecting Maryland's Medical Liability Environment

MedChi will fight efforts to weaken current liability protections for health care providers, such as legislation that repeals or increases non-economic damages caps, or that lowers standards for awarding punitive damages. Exposing physicians to higher damage awards increases their malpractice insurance costs and only worsens the State's severe physician shortage.

Your participation and involvement truly have an impact on Maryland's healthcare system. To make your voice heard, I encourage you to join MedChi's Council on Legislation (*if you are a MedChi member*). The council helps guide MedChi's advocacy work in Annapolis during the legislative session. Members review bills that may affect physicians and patients, discuss how proposed legislation could impact medical practice, and help MedChi determine its positions.

[Click here](#) to learn more today!

New to legislative advocacy? Interested in more ways to participate? [Click here](#) to learn more about how you can get involved.

Webinar: The Perfect Storm: Balancing Medical AI Innovation with the Reality of 2026 Cyber Threats

Join MedChi's panelists for a discussion on how artificial intelligence is increasingly integrated into healthcare delivery, clinical decision-making, and operational systems. This MedChi virtual program will examine key cybersecurity considerations related to the use of artificial intelligence in healthcare and provide practical insights for physicians navigating this evolving environment.



Dr. Padmini Ranasinghe



Dr. Renee Bovelle



Moderated by Eric Wargotz, M.D., MedChi President



January 30, 2026



12:00 p.m.

Register Now



Sign Up Now for MedChi's 2026 Doctor of the Day!

Volunteer to serve in the Maryland State House First Aid Room during the 2026 General Assembly Session. [Sign up here](#). Questions? Contact Hamida Mansaray at hmansaray@medchi.org or call 410-878-9599.

