

Guide to the Patient Checklist for AI Scribe

Read first

There is a **Note to Clinicians** on page 2 of the **Patient Checklist**. Feel free to read it out loud if you are comfortable doing so at the beginning of your appointment.

Once you have used the Checklist, please fill out this **short survey** so that PAN can track and understand the results. <https://form.simplesurvey.com/f/s/AI-Scribes-Survey>

Guide overview

Purpose of the Guide

This Guide was created as a companion to the Patient Checklist for AI Scribe to help explain the items in the Checklist.

This Guide also explains the Artificial Intelligence (AI) Scribe in basic terms and in the context of the Canadian healthcare system.

Purpose of the Checklist

The intent of the Checklist is to help you ask questions of your clinician or other healthcare provider about their use of AI Scribe. While asking these questions, please be kind. Your clinician is most likely struggling to understand how AI works too. This is a journey you will both need to walk together.

If at any time you do not feel comfortable asking a question – skip the question.

What is AI Scribe?

AI Scribe is an AI tool to help clinicians with note-taking during a patient visit. An AI Scribe records the conversation between you and your clinician (e.g. doctor, nurse practitioner or specialist). Next, it will produce a text transcript from the recording. Some AI Scribes stop here.

Some Scribes continue and update the charting system or EMR. It is then up to the clinician to review the note and either input the details into their charting system or EMR (electronic medical record), or validate the note automatically entered. It remains the responsibility of the clinician to review the note and correct any possible errors.

Patient Checklist for AI Scribe by sections

Name of the AI Scribe

Enter the name of the AI Scribe tool.

Make sure you know the name so that you can research the tool later and learn about its features, functions, and how it works.

I was asked for my consent to use an AI Scribe Tool.

Put a checkmark ✓ if you were asked for your consent. If you don't consent – ask how this will impact your care.

Consent is a 'must' in healthcare. Your clinician can not take action on your behalf – unless you agree. In the case of an AI Scribe, you need to agree that the conversation between you and your clinician is recorded and documented using an AI Scribe.

You have the right to say: 'no' to the use of AI Scribe. If you choose not to consent, the clinician is obligated to respect your decision and still provide care. This obligation is defined in jurisdictional privacy law or by your jurisdictional Privacy Commissioner (see Appendix A).

AI Scribe was approved

Put a checkmark ✓ if you know the AI Scribe tool was approved and note the organization that did the approval.

In some provinces there is an oversight body that reviews the AI Scribe for jurisdictional compliance. Such compliance can be: privacy law, regulatory rules, Medical Association recommendations, and most importantly, Privacy Impact Assessment (PIA) as stipulated by the Privacy Commissioner of Canada. These oversight bodies then publish their findings.

Your provincial Privacy Commissioner may list their oversight body (or bodies) on their website. (Refer to Appendix A.)

You can also check it against vetted lists to see if it has been approved in your jurisdiction. Canada Health Infoway also has an AI Scribe program and list¹.

Data used to train AI Scribe

What do we mean by “training AI”?

The data that is used to train the AI Scribe requires massive volumes and specific healthcare data. Inappropriate training data leads to an AI Scribe application with errors. A fully trained AI Scribe is ready for sale to clinicians (doctors, nurse practitioners, specialists.)

Some AI Scribes are a separate application to the Electronic Medical Record (EMR) or charting software. Other AI Scribes are directly built into the EMR.

What was the data source for training the AI Scribe?

If known, make a note of the data source used to train the AI Scribe tool.

There are many sources of data. Originally AI was trained with data gathered from the internet. It was easy to collect and plentiful from such sources as social media. At the time, the quality of the data was not a concern. As time passed, misinformation became visible. The consequence of training AI on such flawed data became a problem due to the poor quality of the final product. Good quality data produces good quality output.

Where did the AI Scribe's training data come from?

If known, make a note of the country where the data came from to train the tool.

For Canadians, a good AI Scribe is trained on Canadian data; using Canadian terms. Canada has a diverse population. Our health data will be different from another country's data.

The country that the data originated from will affect the quality of an AI product.

Transcript and storage

What is a transcript?

When an AI Scribe captures a conversation, first it records the sounds (voice conversation) and then processes the conversation into text (called a transcript).

Where is the transcript of our conversation being stored?

Make a note of the country where the transcript is being stored.

The transcript resides on a server either locally or in the cloud. If the server is located physically outside of Canada, the laws of the country where the server resides take precedence. Your medical details may not be protected. For example, if the server is in the U.S., your transcript may be subject to American laws.

Do you (the clinician) review the transcript before the notes go into my record?

Check whether the clinician reviews the AI Scribe notes before they are accepted into your medical record.

Reviewing the transcript for errors is necessary as it is known that AI Scribes make mistakes².

Can I get a copy of this transcript for my records?

Ask whether or not you can get either a print out or electronic copy of the transcript of your visit.

In Canada, patients have a right to their health information. This comes from Canada's Supreme Court ruling from 1992³.

Some AI Scribes have an after-visit summary feature which produces a printout summary of your visit. This feature needs to be “turned on” in the AI Scribe application in order to produce the summary. Your clinician should be able to explain if their AI Scribe is set up to produce this summary or not.

You may have your own AI Scribe or recording software⁴. If you are going to use this software, it would be advisable to tell your doctor that they are being recorded. Consent works both ways.

For how long will the transcript be stored?

Make a note of the length of time that the transcript is stored.

It is important that the transcript does not sit for long periods of time on the server. This makes your Personal Health Information (PHI) vulnerable to a security breach. If the transcript is deleted, the conversation of the visit disappears from the server but the details of your visit need to be transferred by your clinician into their EMR system.

Some AI Scribes can automatically copy parts of the transcript into your electronic medical record. This may mean that the errors are also being entered into your chart. Not all AI Scribes have this function.

Other concerns

Is the transcript shared with your Electronic Medical Record (EMR) vendor?

Make a note of whether the transcript is shared with the EMR vendor for the clinician.

There have been reported instances of transcript data being shared with EMR Vendors in the U.S.⁵

Can you remove AI Scribe without affecting your other systems?

Make a note of whether the AI Scribe can be removed without causing any issues for the EMR, or any other software.

After time, some AI Scribe apps may no longer be supported by their vendors. Your clinician will need to remove the old AI Scribe or risk a potential privacy breach. Ask if removal is possible.

How do you communicate your AI Scribe policy to patients?

Make a note of what method your clinician uses to let their patients know about their AI Scribe policy.

Posting a policy on a wall DOES NOT MEAN YOU HAVE GRANTED CONSENT.

It is good practice for clinics to advertise their AI Scribe policy with posters or flyers in a visible place. Patients need this information in order to provide informed consent.

Provinces and territories may have different recommendations from their Privacy Commissioners based on their respective privacy laws. Check with your own Privacy Commissioner's website for information (Appendix A).

Appendix A: Privacy Commissioner by Jurisdiction

Province / Territory	Title	Link
Alberta	Office of the Information and Privacy Commissioner of Alberta	https://oipc.ab.ca/
British Columbia	Office of the Information & Privacy Commissioner for British Columbia	https://www.oipc.bc.ca/
Manitoba	Manitoba Ombudsman	https://www.ombudsman.mb.ca/
New Brunswick	Ombud New Brunswick Nouveau Brunswick	https://ombudnb.ca/home/
Newfoundland & Labrador	Office of the Information and Privacy Commissioner	https://www.oipc.nl.ca/
Nova Scotia	Office of the Information & Privacy Commissioner	https://oipc.novascotia.ca/
Ontario	Information and Privacy Commissioner of Ontario	https://www.ipc.on.ca/en
Prince Edward Island	Office of the Information & Privacy Commission for Prince Edward Island	https://www.assembly.pe.ca/offices/information-and-privacy-commissioner
Québec	Commission d'accès à l'information du Québec	https://www.cai.gouv.qc.ca/english?
Saskatchewan	Office of the Saskatchewan Information and Privacy Commissioner	https://oipc.sk.ca/
Northwest Territories	Office of the Information and Privacy Commissioner	https://oipc-nt.ca/
Nunavut	Office of the Information & Privacy Commissioner of Nunavut	https://atipp-nu.ca/
Yukon	Yukon Information and Privacy Commissioner	https://yukonaccountability.ca/ipc
Reference: Canada	https://www.priv.gc.ca/en/about-the-opc/what-we-do/provincial-and-territorial-collaboration/provincial-and-territorial-privacy-laws-and-oversight/	

Appendix B: References

1. Canada Health Infoway AI Scribe program and list: <https://aiscribe.infoway-inforoute.ca/> ; <https://www.infoway-inforoute.ca/en/featured-initiatives/ai-scribe-program>
2. Use of Artificial Intelligence in the Ontario Government, Auditor General of Ontario, Special Report: sect. 4.3.2 and fig.7 (p.22-23)
3. Supreme Court: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/884/index.do>
4. *AI Scribes: Key Considerations for the Health Sector*, Information and Privacy Commissioner of Ontario, p.25: Spotlight on: Patient
5. *AI Scribes: Key Considerations for the Health Sector*, Information and Privacy Commissioner of Ontario, sect. 5.4 (p.22-23).

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