**HEALTH CARE PROVIDER/FACILITY NOTICE FOR CANDOR OPEN DISCUSSION**

As your health care provider(s), we strive to provide patients with quality health care. Unfortunately, patients can experience health care adverse incidents that neither the patient nor the health care provider expected or intended.

In 2023, Minnesota enacted a law to encourage open, honest and confidential discussions between patients and their health care providers and/or health facility when a health care adverse incident occurs to help determine why it occurred and whether it can be prevented in other cases.

This law, called the “Minnesota Candor Act,” is in Minn. Stat. § 145.685. The Minnesota Candor Act requires certain steps to be followed to comply with the law. This is to provide you and other participants notice of your rights and responsibilities and to ensure these discussions remain privileged and confidential between you, your health care provider(s), and any other individuals who participate in the Candor process. These steps are often referred to as the “Candor law” or “Candor process.” The Candor law includes a definition of a “health care adverse incident” as an “objective and definable outcome arising from or related to patient care that results in the death or physical injury of a patient.”

The first step in the Candor process is for your health care provider and/or the health facility where the adverse event occurred to provide you this written notice under the Candor law, “**Health Care Provider/Facility Notice for Candor Open Discussion,”** of their desire to enter into an open discussion with you under the Candor process regarding:

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(*insert the health care adverse incident*)

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(*insert the date if it can be determined*)

The following health care provider(s) and/or health facility invite you to participate in the Candor process to promote open, honest, and confidential discussions with you about the health care adverse incident:

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You are not required to participate in the Candor process. If you decide to participate, you can only do so by agreeing to and signing the attached “**Patient Consent to Participate in Candor Open Discussions**” document, which is provided to you with this Notice. The Candor law also requires that this Notice contain the following advisements:

* You have the right to receive a copy of the medical records related to the health care adverse incident and you have the right to authorize the release of your medical records related to the health care adverse incident to a third party.
* You have the right to seek and consult with legal counsel at your expense and you have the right to have legal counsel present throughout the Candor process at your expense.
* You must receive a copy of Minn. Stat. § 541.076, which is the statute of limitations, or deadline, for filing a lawsuit in Minnesota with this Notice. A copy of this statute is attached. The time for a patient to bring a lawsuit is limited under this statute and will not be extended by engaging in an open discussion under the Candor process unless all parties agree in writing to an extension.
* If you choose to engage in an open discussion in the Candor process with your health care provider(s) and/or health facility, all communications made during the course of the open discussion process are privileged and confidential. This includes any communications regarding the initiation of the Candor process, including these forms. All Candor communications are NOT subject to discovery, subpoena, or other means of legal compulsion for release, and are NOT admissible as evidence in a proceeding arising directly out of the health care adverse incident, including a judicial, administrative, or arbitration proceeding. This confidentiality and privilege requirement applies to communications made orally and in writing during the Candor process. “Open discussion” is defined under the Candor law as all communications made during an open discussion process under the Candor law, and includes “memoranda, work product, documents, and other materials that are prepared for or submitted in the course of or in connection with communications” under the Candor law.
* Any communications, memoranda, work product, documents, or other material that are otherwise subject to discovery and not prepared specifically for use in an open discussion under the Candor process, are not confidential under the Candor law.
* Others may participate in the Candor process. If you agree in writing to engage in an open discussion, you, the health care provider(s), or the health facility engaged in the Candor process may include other persons in the Candor open discussion process. All additional participants must also be advised in writing prior to the open discussion of the requirements of confidentiality and privilege in the Candor process and agree to the requirements in writing by signing the attached “**Participation Agreement in Candor Open Discussions**” document.

You may direct any questions about this Notice and the attached Consent form to:

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(*insert name, title and contact information*).

If you have any legal questions, you should discuss those with an attorney, should you decide to consult one.

This Notice was given to the patient, or the patient’s representative:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*insert patient’s name or representative*) on this

\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Month Printed Name