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

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

In 2019, Colorado enacted a law to encourage open, honest and confidential discussions between patients and their health care providers and/or health facility when an adverse health care incident occurs to help determine why it occurred and whether it can be prevented in other cases.

This law, called the “Colorado Candor Act,” is in the Colorado Revised Statutes (C.R.S) found at Section 25-51-101, et. seq. The Colorado 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 an “adverse health care 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 Notice for Candor Open Discussion,”** of the desire to enter into an open discussion with you under the Candor process regarding:

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(insert the adverse health care incident)

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(insert the date if it can be determined)

The following health care provider(s) and/or health care facility invite you to participate in the Candor process to promote open, honest, and confidential discussions with you about the adverse health care 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 adverse health care incident and you have the right to authorize the release of your medical records related to the adverse health care incident to any 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 copies of Sections 13-80-102.5 and 13-80-112 of the Colorado Revised Statutes which are statutes of limitation, or deadlines, for filing a lawsuit in Colorado with this Notice. Copies of these statutes are attached. The time for a patient to bring a lawsuit is limited under these statutes and will not be extended merely by engaging in an open discussion under the Candor process.
* [INSERT IF APPLICABLE] You must receive a copy of Section 24-10-109 of the Colorado Revised Statutes if the health care provider or the health facility is a public entity or public employee. This is a statute requiring notice and is a statute of limitation, or deadline, for filing a notice and lawsuit involving a public employee or pubic entity. A copy of the statute is attached. The deadline for filing the notice required under Section 24-10-109 will not be extended by engaging in an open discussion under the Candor law.
* If you choose to engage in an open discussion in the Candor process with your health care provider(s) and/or health care facility, all communications made in the course of such an open discussion are privileged and confidential. This includes any communications to initiate 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 adverse health care 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 under Candor, and “includes all 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.
* Communications, memoranda, work product, documents and other materials 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 or the health care provider(s) or the health facility engaged in an open discussion under the Candor process may include other persons in the open discussion. All additional participants shall 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