**NOTICE FOR CANDOR OPEN DISCUSSIONS**

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 2015, Iowa 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, which is found in the Iowa Code, Title IV, Chapter 135P, 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, “**Notice for Candor Open Discussions,”** of the desire to enter into an open discussion with you under the Candor process regarding:

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

 (insert the adverse health care incident)

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

 (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 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 legal counsel at your expense.
* You have a right to receive a copy of Iowa Code 614.1(9), the statute of limitations, or deadlines, for filing a lawsuit in Iowa. A copy of that Iowa Code Section is attached. The time for a patient to bring a lawsuit is limited under this Iowa Code Section and will not be extended by engaging in open discussions under the Candor process unless all parties agree to an extension in writing.
* 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 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 in evidence in 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 products, 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 products, 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 but may be privileged and/or confidential under other laws.
* 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 as well as what communications are not confidential under Candor 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:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(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

**I.C.A. § 614.1**
**614.1. Period**

Actions may be brought within the times limited as follows, respectively, after their causes accrue, and not afterwards, except when otherwise specially declared:

9. *Malpractice.*

 a. Except as provided in paragraph “b”, those founded on injuries to the person or wrongful death against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, within two years after the date on which the claimant knew, or through the use of reasonable diligence should have known, or received notice in writing of the existence of, the injury or death for which damages are sought in the action, whichever of the dates occurs first, but in no event shall any action be brought more than six years after the date on which occurred the act or omission or occurrence alleged in the action to have been the cause of the injury or death unless a foreign object unintentionally left in the body caused the injury or death.

 b. An action subject to paragraph “a” and brought on behalf of a minor who was under the age of eight years when the act, omission, or occurrence alleged in the action occurred shall be commenced no later than the minor’s tenth birthday or as provided in paragraph “a”, whichever is later