

Subject Health Care Adverse Incidents; Open Discussion Process

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Overview

This bill creates an “open discussion” process that patients, or their legal representatives, can engage in with health care providers and health care facilities after a patient has died or been injured arising from or related to the care the patient received.

Summary

Section	Description
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| 1 | <p>Definitions.</p> <p>Provides definitions for terms used in the bill including “health adverse incident” which means an outcome related to a patient that results in death or physical injury of a patient; “open discussions” which means an open discussion process that includes materials and communication prepared specifically or during the course of the open discussion process; and “health facility” which includes doctors, dentists, clinics, labs, and birth centers.</p> |
| 2 | <p>Engaging in an open discussion.</p> <p>Provides that after a patient is injured or died the health facility or doctor or provider can send the patient, parent, or legal representative of a patient a notice that they wish to engage in an open discussion process and provide the patient with information about their legal rights or that a patient can request to enter an open discussion with the provider, health facility, or both. This section provides that a patient or patient representative can agree to participate in the open discussion process.</p> |
| 3 | <p>Confidentiality of open discussion and offers of compensation.</p> <p>Provides that communications made during the open discussion process are confidential, including offers of compensation to a patient, and that they are not admissible as evidence in a court case or discoverable in a court action, except that</p> |

Section	Description
	they may be entered as evidence in a court action to prove a communication is contradictory.
4	Payments and resolutions. Provides that payments made through this process are not considered payments resulting from a demand for payment, a final judgment or settlement, or a malpractice claim settlement, but provides that a health provider or facility might require documents to be obtained or executed if the negotiation requires court approval or relates to a court matter.
5	Sunset. Adds that this section of law sunsets on June 30, 2031.
6	Applicability. Provides that this section applies to adverse health incidents occurring on or after August 1, 2023.



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