

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **referred**

1.3 **S.F. No. 803:** A bill for an act relating to public health; creating an open discussion
1.4 process by which certain parties of a health care adverse incident may discuss potential
1.5 outcomes; proposing coding for new law in Minnesota Statutes, chapter 145.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, line 14, before the period, insert "and practices at a health care facility"

1.8 Page 2, line 15, after the period, insert "The patient involved in the health care adverse
1.9 incident may provide oral notice to the health care provider, the health facility involved in
1.10 the health care adverse incident, or both of the patient's desire to enter into an open discussion
1.11 with either the health care provider or the health care provider and health facility jointly to
1.12 discuss potential outcomes following a health care adverse incident in accordance with this
1.13 section."

1.14 Page 2, line 17, delete "180" and insert "365"

1.15 Page 4, line 4, before the semicolon, insert "and encourage the patient to seek legal
1.16 counsel"

1.17 Page 4, line 7, before the period, insert "along with an itemized statement from the health
1.18 provider showing all charges and third-party payments"

1.19 Page 4, line 17, before the semicolon, insert "except as provided in paragraph (b)"

1.20 Page 4, after line 21, insert:

1.21 "(b) A party may move the court or other decision maker in a subsequent proceeding to
1.22 adjudicate the matter to admit as evidence a communication made during an open discussion
1.23 that contradicts a statement made during the proceeding. The court or other decision maker
1.24 shall allow a communication made during an open discussion that contradicts a statement
1.25 made at a subsequent proceeding to adjudicate the matter into evidence only if the
1.26 communication made during an open discussion is material to the claims presented in the
1.27 subsequent proceeding."

1.28 Reletter the paragraphs in sequence

1.29 Page 5, after line 13, insert:

1.30 "Subd. 5. **Sunset.** This section expires on June 30, 2031.

1.31 Subd. 6. **Applicability.** This section applies only to health care adverse incidents that
1.32 occur on or after August 1, 2023."

2.1 And when so amended the bill do pass. Amendments adopted. Report adopted.

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2.3 (Committee Chair)

2.4 March 24, 2023.....
2.5 (Date of Committee recommendation)