

DCT 2026 Legislative Fast Facts

Limited Authority to Share Patient Information with Courts

Issue Summary

Some individuals in DCT's care require alternative decision-makers when they are medically assessed as incapacitated. These patients and clients need someone to consent to medical treatment and complete other duties.

- Minnesota guardianship courts typically require petitions and physician statements containing information protected under state and federal health data privacy laws.
- Patient records are not shareable with the courts. While the Commitment Act currently allows some information exchanges, it doesn't provide authority to share records for guardianships.
- Without statutory authority, DCT must obtain a release of information (ROI) before any disclosure, but such releases are difficult to obtain and may delay necessary treatment for patients.

Proposal

This proposal allows DCT to disclose patient information to guardianship courts to coordinate guardianship services in narrowly defined circumstances where an ROI cannot be obtained.

- Specifically, DCT could share information when a patient lacks capacity to provide consent or when a current guardian is unavailable, non-responsive, or refuses to authorize disclosure.

Why It's Important

Currently, DCT must obtain a court order to provide medical information to guardianship courts, which severely delays guardianship proceedings and can result in gaps in medical treatment.

- When guardianship appointments are delayed, vulnerable patients may go without medical treatment during the interim period, directly compromising their health and safety.
- There is currently a backlog of patients at DCT facilities awaiting guardians and once this backlog is addressed through the proposed authority, DCT anticipates needing to use this disclosure provision only a few times per year.

This targeted solution ensures that the state's most vulnerable civilly committed individuals receive timely guardianship services and uninterrupted access to necessary medical care.