

**FREEDOM OF INFORMATION COMMISSION  
STATEMENT ON:**

**SB 1127 AN ACT CONCERNING THE CHARTER OAK HEALTH PLAN AND HEALTH CARE ACCESS.**

**SB 1425 AN ACT CONCERNING MANAGED CARE ORGANIZATIONS CONTRACTING WITH THE DEPARTMENT OF SOCIAL SERVICES.**

**HB 7322 AN ACT CONCERNING MEDICAID MANAGED CARE REFORM.**

These three bills each contain identical language which would amend the Freedom of Information Act (FOIA), specifically §1-218 of the general statutes to explicitly state that: “any contract between the Department of Social Services and a managed care organization to provide services under the HUSKY Plan, Part A, the HUSKY Plan Part B, or both, or the Medicaid program, irrespective of whether such contract is in excess of two million five hundred thousand dollars, shall be subject to the provisions of this section.

The Commission believes that while contracts between the Department of Social Services and managed care programs are currently covered by the FOIA under the “government function” test the proposed legislation would essentially codify the FOIC’s decision concerning such contracts. The FOIC’s decisions have been upheld by the Superior Court and are currently pending before the Supreme Court. The cases have been consolidated as *Health Net of Connecticut, Inc. v. Freedom of Information Commission et al; Anthem Health Plans v. Freedom of Information Commission et al; and Community Health Network of Connecticut v. Freedom of Information Commission et al.* (SC 17820-17825).

The proposed language in these bills is also significant because it removes the current monetary threshold of two million five hundred thousand dollars that currently trigger the applicability of the FOIA. The Commission feels that the removal of this barrier is important in increasing the accountability of these programs.

Contact: Colleen M. Murphy, Executive Director and General Counsel; Eric V. Turner, Managing Director and Associate General Counsel, or Hank Pawlowski, Legislative Liaison. 860.566.5682 or [foi@ct.gov](mailto:foi@ct.gov)