



General Assembly

February Session, 2008

Raised Bill No. 5690

LCO No. 2065

02065_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-218 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) Each contract in excess of two million five hundred thousand
4 dollars between a public agency and a person for the performance of a
5 governmental function shall (1) provide that the public agency is
6 entitled to receive a copy of records and files related to the
7 performance of the governmental function, and (2) indicate that such
8 records and files are subject to the Freedom of Information Act and
9 may be disclosed by the public agency pursuant to the Freedom of
10 Information Act. No request to inspect or copy such records or files
11 shall be valid unless the request is made to the public agency in
12 accordance with the Freedom of Information Act. Any complaint by a
13 person who is denied the right to inspect or copy such records or files
14 shall be brought to the Freedom of Information Commission in
15 accordance with the provisions of sections 1-205 of the 2008
16 supplement to the general statutes and 1-206 of the 2008 supplement to
17 the general statutes.

18 (b) Any managed care organization, as defined in section 38a-478,
19 providing managed care services or administrative services to the
20 Department of Social Services under a contract authorized by section
21 17b-28a or 17b-192 shall be subject to the provisions of subsection (a) of
22 this section with respect to records and files created for the purpose of
23 performing a governmental function under such contract. The
24 obligation of a managed care organization to disclose information in
25 response to requests pursuant to this section shall be limited to such
26 records or files created for the purpose of performing a governmental
27 function under its contract with the Department of Social Services, to
28 the extent that such function is determined to be a governmental
29 function, and shall not, for any purpose, extend to documents related
30 to other programs or functions of the managed care organization. Any
31 such managed care organization may assert any applicable statutory
32 exemption including those under section 1-210 of the 2008 supplement
33 to the general statutes, except that the rates paid by such managed care
34 organization to providers of medical services for Medicaid managed
35 care services shall be disclosed to said department and may be
36 disclosed by said department pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	1-218

Statement of Purpose:

To require managed care organizations with contracts to provide managed care services and administrative services to the Department of Social Services to disclose certain information pursuant to the Freedom of Information Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]