

**FREEDOM OF INFORMATION COMMISSION STATEMENT
IN OPPOSITION TO HB 6152, AN ACT ESTABLISHING A MEDICAL
EXPENSES POOL**

The Freedom of Information (FOI) Commission would like to take this opportunity to object to Section 12 in HB 6152. The stated purpose of HB 6152 appears to be laudable: to create a catastrophic medical expenses pool to help defray medical and related expenses that exceed a threshold percentage of family income for persons who are insured but have catastrophic medical expenses. The concept appears to be aimed at helping people in a time of extreme need. However, the proposed legislation attempts to carve out yet another unnecessary and overly broad exemption in the state's government transparency law.

Section 12 of the bill contains this contradictory language, creating a new, mandatory exemption from disclosure of public records: "...establish and maintain a record, electronic or otherwise, of each applicant. Such records shall be maintained in a secure location, shall be confidential and shall not be disclosed except as required by law and to members of the commission, provided such members agree, in writing, to keep such records confidential."

It is unclear why such a strong exception is necessary. It flies in the face of state law, codified in the FOI Act, which defines all records held or used by a public agency to be public records and disclosable to the public. The exception in HB 6152 arbitrarily classifies records as non-disclosable for no apparent reason. There is no description of what the content of the records might actually be.

It is not at all clear why such broad confidentiality is necessary for these records. If the concern is for the protection of medical records, there is already an exemption to disclosure which could apply to the records in question here rendering this objectionable language moot.

The FOI Commission respectfully submits that this broad exemption is unnecessary and that this portion of the bill be stricken.

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