



General Assembly

January Session, 2009

**Raised Bill No. 956**

LCO No. 3603

\*03603\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING MANAGED CARE CONTRACTS.***

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 Section 1-218 of the general statutes is repealed and the  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, 2009*):

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 and 1-206.

16 (b) Any managed care organization, as defined in section 38a-478,

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

|                                                                               |              |       |
|-------------------------------------------------------------------------------|--------------|-------|
| This act shall take effect as follows and shall amend the following sections: |              |       |
| Section 1                                                                     | July 1, 2009 | 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.]*