

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Connecticut Hospital Association,) Report of Hearing Officer
Complainant)
against) Docket #FIC76-157
State of Connecticut; Commissioner) February 3 , 1977
on Hospitals and Health Care and
the Ad Hoc Budget Committee on the)
Commission on Hospitals and Health
Care, Respondents)

The above captioned matter was heard as a contested case on November 5, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. On August 9 through August 16, 1976 the respondent committee, consisting of six members of the respondent commission together with the staff of the respondent commission, gathered for the purpose of reviewing the budgets submitted by 35 hospitals, making findings thereon, and reporting its findings to the respondent commission.

2. The provisions of P.A. 75-342 regarding notice, minutes and record of votes were not followed.

3. The members of the respondent committee consist of less than a quorum of the respondent commission.

4. Reviewing the aforesaid budgets is a matter over which the respondent commission has supervision, control, jurisdiction and advisory power.

5. On August 16, 1976 the respondent commission held a meeting, lasting 11 minutes, in which the aforesaid findings of the respondent committee were reviewed and adopted.

6. The gravamen of the appeal brought by the complainant and filed with this Commission on September 2, 1976, was that the aforesaid gatherings of the respondent committee were meetings of a public agency within the meaning of §1(b) of P.A. 75-342, and therefore must comply with the requirements of notice and access set forth in P.A. 75-342.

7. The complainant filed its appeal under §14(c) of P.A. 75-342 contending thereunder that this Commission has jurisdiction over this complaint.

8. It is found that the Commission has jurisdiction over the matters alleged therein and that this appeal was timely filed within the meaning of §1-21i(a) and §1-21i(c), General Statutes.

9. It is further found that the aforesaid gatherings of the respondent committee were meetings of a public agency within the meaning of §1-18a(b), General Statutes, and therefore should have complied with the requirements of minutes, notice and access set forth in P.A. 75-342. It was clear, at least in the context of the meetings hereinabove described, that the respondent committee was exercising a part of the governmental powers of the commission of hospitals and health care.

10. This Commission can not and does not reach the issue of whether or not the aforesaid delegation of governmental power was lawful within the meaning of the applicable governing statutes.

11. Subsequent to the respondent commission's review and adoption of the findings of the respondent committee on August 16, 1976, representatives of the 35 hospitals in question had access to hearings of the respondent commission in which they could each contest the aforesaid findings as adopted.

The following order by the Commission is hereby recommended on the basis of the record and findings concerning the above captioned complaint:

1. Henceforth the respondent committee shall strictly comply with the provisions of P.A. 75-342 concerning notice, access and minutes of its meetings.

Judith Lahey

Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
February 9, 1977

Louis J. Tapogna
Louis J. Tapogna, as Clerk of the
Freedom of Information Commission