

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Linda Palermo,

FINAL DECISION

Complainant

Docket #FIC83-245

against

January 16, 1985

Director of Personnel of  
Bridgeport Hospital.

Respondent

The above captioned matter was heard as a contested case on February 14, 1984 continued to March 5, 1984 at which time it was heard and then continued again until June 5, 1984. At the two hearings which were held the parties presented evidence and argument on the complaint.

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

1. The complainant alleged she was denied certain records on the ground that the respondent hospital was not a public agency under §1-18a(a), G.S.

2. In Board of Trustees of Woodstock Academy v. FOIC, 181 Conn. 544 (1980) the Supreme Court rejected a formalistic definition of public agency and adopted a functional equivalence test involving the following four criteria:

- (1) whether the entity performs a governmental function;
- (2) the level of government funding;
- (3) the extent of government involvement or regulation;
- (4) whether the entity was created by the government.

3. The respondent hospital was incorporated by special act of the legislature in 1878.

4. The respondent receives payments for medical services rendered.

5. About half of the patients of the respondent have their expenses paid by Medicare or public assistance; the other half pay directly or have their expenses paid by private insurers.

6. There was no evidence showing that the respondent received funds except for patient care from any state, local or federal agency.

7. The hospital and its facilities are not owned by any governmental agency.

8. While the hospital is subject to substantial regulation by state and local agencies, it is not subject to greater regulation than other private hospitals in the state.

10. There was no evidence that the board of directors of the respondent was a public agency or that the board of directors was appointed by a public agency.

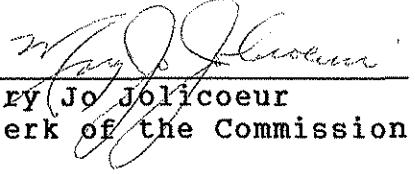
11. It is found that although the respondent was created by government, and is regulated by government and although a substantial amount of its income from patient services is provided by government, that it does not perform a governmental function.

12. It is concluded based upon the facts and law herein that the respondent is not the functional equivalent of government and, therefore, not a public agency within the meaning of §1-18a(a), G.S.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of January 9, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission