

November 20, 2014

Lucinda Jesson, Commissioner  
Minnesota Department of Human Services  
Elmer L. Andersen Human Services Building  
444 Lafayette Rd N.  
St. Paul, MN 55155

Dear Commissioner Jesson:

MNCOGI is a 501c3 organization that advocates for openness in government and meaningful transparency policies in the legislature and elsewhere. I am the chair of an all-volunteer board of directors that includes librarians, attorneys, journalists and citizens.

In the 2014 legislative session, MNCOGI supported legislation to change the results of a Minnesota Supreme Court decision known as the Timberjay case. This case involved an interpretation of Minnesota Statutes Section 13.05 that deals with application of the Minnesota Government Data Practices Act to private parties that contract to perform government functions.

During the session we heard about and observed attempts by the Minnesota Council of Health Plans to either limit or exempt application of the MGDPA to their contracts with your department. Until the Minnesota House of Representatives forced an open hearing on this issue, virtually all of the lobbying by the MCHP occurred behind closed doors with representatives of DHS and other special interest groups.

MNCOGI has historically opposed any and all attempts to make “not public” data that document how the public’s money is being spent. During the 2014 session, we opposed health plan efforts to keep such information secret.

Through the efforts of MNCOGI and others, a "delay the decision" compromise was ultimately reached that put responsibility on your department to study this issue and make recommendations to the legislature. (See Chapter 293, Minnesota Session Laws 2014.) Under this compromise, DHS is to study policy issues and the economic impact on the role of health plans, and to do so “in consultation with interested stakeholders and other state agencies.”

We are aware of no public effort on the part of DHS to carry out this mandate for the last several months. Our most current information indicates personnel of your department want a process of publishing a request for comment notice in the State Register, DHS staff assembling the comments, meeting privately with some parties, and making a report to the legislature.

MNCOGI strongly opposes this proposed process. It formalizes and is a continuation of a process severely lacking transparency and putting the interests of the health plans ahead of the interests of public accountability. We believe that "consultation with interested

parties" should take the form of meetings open to the public and must involve all stakeholders including members of the public. Media coverage of these meetings should be encouraged and facilitated.

The issues associated with how the health plans provide services to Minnesota citizens and at what cost is of intense public interest. This study and the process associated with it demands absolute openness.

We appreciate your consideration of our concerns and look forward to hearing from you and seeing a real change in how this study is to be handled. We are aware that time is short as the report is to be delivered to the legislature by 12/21/14. If you have any questions, please contact me.

Sincerely,

/s/ Gary Hill

Gary Hill, Chair  
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