

1973 S.C. Op. Atty. Gen. 359 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3670, 1973 WL 21121

Office of the Attorney General

State of South Carolina

Opinion No. 3670

December 13, 1973

***1 The amount of monies paid to each physician under the Title XIX Program (Medicaid) by the State Department of Social Services for fiscal year 1972–73 are public records and are subject to disclosure under the terms of the Freedom of Information Act and reasonable access to records pertaining thereto may not be denied.**

Deputy Commissioner

Administration

State Department of Social Services

You have inquired as to whether the Freedom of Information Act requires the State Department of Social Services to make public the amount of monies paid to each physician under the Title XIX Program (Medicaid) for the fiscal year 1972–73.

The Freedom of Information Act provides that all public records shall be open to inspection and copying during the regular business hours of the custodian of the records. 'Public Records' includes all documents containing information relating to the conduct of the public's business, but exempts from such definition certain specific records as income tax returns, medical records, records required by law to be dosed to the public, and also those records concerning which a is shown that the public interest is best served by not disclosing them to the public.

The physicians participating in the Title XIX Program are in a contractual relationship with the Department of Social Services, although unlike other providers of services there is no written contract. It is the opinion of this Office that a contractual relationship of this nature with a public agency such as the State Department of Social Services constitutes 'public records' within the meaning of the Freedom of Information Act and that they are therefore open to public inspection and copying under the terms of the law. I am aware of no basis upon which it may be considered that the disclosure of such contractual information would be adverse to the public interest.

In the opinion of this Office, the amount of monies paid to each physician under the Title XIX Program (Medicaid) by the State Department of Social Services for fiscal year 1972–73 are public records and are subject to disclosure under the terms of the Freedom of Information Act and that reasonable access to records pertaining thereto may not be denied.

Raymond G. Halford

Assistant Attorney General

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