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ACLU OF RI POSITION: NEUTRAL/AMEND

TESTIMONY ON 26-S 2097, AN ACT RELATING TO PUBLIC FINANCE -- STATE FUNDS May 5, 2026

The ACLU of Rhode Island has no position on this bill, which would require various health care entities to file quarterly reports with EOHHS on their financial status. However, we do wish to offer one minor amendment to the bill to avoid adoption of any loopholes that might undermine the bill's transparency goals.

Specifically, a provision in the bill states that: "The secretary shall make available the findings from the required reports that is not otherwise protected as confidential or deemed non-disclosable by federal or state law *and regulations*." (emphasis added) [Page 13, lines 23-25]

As worded, this bill would allow EOHHS to withhold as confidential some of the information in these reports based solely on an adopted *regulation* even if the information might otherwise be public under state *law*, i.e., the Access to Public Records Act (APRA). While we would not expect the agency to do that, we would urge that this language be amended to clarify that exemptions to APRA could not be adopted via state regulation. This could easily be done by amending the phrase at the end of the sentence above to instead read "...disclosable by state law or by federal law or regulation."

Thank you for considering our views.