For immediate release

Contacts:

Disability Rights Montana
Kona Franks-Ongoy, 406-449-2344, kona@disabilityrightsmt.org

Upper Seven Law
Niki Zupanic, 406-461-5178, niki@uppersevenlaw.com

**Disability advocates sue DPHHS for blocking public records release**

[HELENA, MONTANA] Disability Rights Montana filed suit today against Montana’s Department of Health and Human Services (DPHHS) after the agency denied a public records request for materials related to the hiring of Mike Randol as the Medicaid and Health Services Executive Director. Randol directs three DPHHS divisions with a combined annual budget of over $2.7 billion and more than 1,100 state employees.

Disability Rights Montana requested the hiring materials on July 13, 2022. DPHHS categorically denied the request, in violation of Montana’s constitutional Right to Know, which guarantees broad public access to documents held by state agencies.

The requested documents contain information about DPHHS's hiring priorities and about Randol’s qualifications and experience. Randol previously oversaw Medicaid programs in Iowa and Kansas, both of which moved to privatization during his tenure. Privatization—or “managed care”—shifts Medicaid administration to private, for-profit entities. Montana used a managed care system in the 1990s, but reassumed Medicaid administration when managed care proved far worse for patients and providers.

“DPHHS provides essential services to hundreds of thousands of Montana’s most vulnerable and disadvantaged residents,” said Bernie Franks-Ongoy, Executive Director of Disability Rights Montana. “State leadership determines the quality and administration of healthcare, community integration, and community-based treatment.”

“Montanans have a constitutional right to state transparency,” said attorney Niki Zupanic. “DPHHS’s denial of records for a high-level employee is a significant departure from constitutional norms. The State cannot govern in secret.”
DPHHS’s withholding of public records follows other records request denials by the Executive Branch, and has led to other lawsuits, including *O’Neill v. Gianforte*, which was filed last year. That case remains pending.

**About the organizations**

Attorneys Niki Zupanic and Constance Van Kley of Upper Seven Law and Tal Goldin and Mike Lahr of Disability Rights Montana are representing Disability Rights Montana in the complaint before the Montana First Judicial District Court, Lewis and Clark County.

**Disability Rights Montana** is the federally mandated Protection and Advocacy System and Client Assistance Program for Montana, protecting and advocating for the civil, legal, and human rights of persons with disabilities of all ages and across Montana. Its responsibilities include monitoring facilities serving people with disabilities—including the seven DPHHS-operated facilities under Randol’s supervision—and investigating allegations of abuse and neglect in those facilities.

**Upper Seven Law** is a Montana-based nonprofit law firm dedicated to holding the powerful accountable. Based on the belief that creativity and innovation in law are essential to advancing social justice and public interest objectives, Upper Seven takes smart risks and invests the time necessary to build foundations for long-term accountability work. Constance Van Kley and Niki Zupanic of Upper Seven Law represent Disability Rights Montana.

Copies of the complaint and motion for summary judgment are attached to this press release.