

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

DOUGLAS, HAUN & HEIDEMANN, P.C.,

Appellant

v.

MISSOURI DEPARTMENT OF SOCIAL SERVICES.

Respondent

DOCKET NUMBER WD79391

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: October 4, 2016

Appeal From:

Circuit Court of Cole County, MO
The Honorable Robert D. Schollmeyer, Judge

Appellate Judges:

Division Four
Mark D. Pfeiffer, Chief Judge Presiding, James Edward Welsh, and Alok Ahuja, Judges

Attorneys:

Donald Brown, Bolivar, MO

Counsel for Appellant

Attorneys:

Ross Brown, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**DOUGLAS, HAUN & HEIDEMANN, P.C., Appellant, v.
MISSOURI DEPARTMENT OF SOCIAL SERVICES, Respondent**

WD79391

Cole County

Before Division Four Judges: Pfeiffer, C.J., Welsh, and Ahuja, JJ.

Douglas, Haun & Heidemann, P.C., appeals from the judgment of the Circuit Court of Cole County (circuit court) concluding that the Missouri Department of Social Services (Department) did not violate the law by failing to disclose to Douglas, Haun & Heidemann all Tax Equity and Fiscal Responsibility Act (TEFRA) liens filed with any recorder of deeds in the last five years. Douglas, Haun & Heidemann contends that the circuit court erred in granting judgment in favor of the Department because the TEFRA lien information is not confidential under section 208.155, RSMo 2000, the Health Information Portability and Accountability Act (HIPAA), or any other applicable law and that the information cannot be closed pursuant to any Sunshine Law (section 610.010, RSMo *et seq.*) exemption.

Affirmed

Division Four holds:

Section 208.155 prohibits the Department from disclosing *any* information concerning recipients of medical assistance except for information directly connected with the administration of the medical assistance program. Indeed, the phrase “any disclosure” as used in section 208.155 would encompass any subsequent disclosures of the information made by the Department. Information concerning TEFRA liens most certainly falls within section 208.155’s declaration that information concerning recipients of medical assistance is confidential, and we find nothing in Douglas, Haun & Heidemann’s request for the TEFRA liens that suggests that its request is “directly connected with the administration of the medical assistance program.” The requested information thus fell within an exception to the Missouri Sunshine Law (section 610.021(14)) as the TEFRA liens were records protected from disclosure by law pursuant to section 208.155.

Opinion by James Edward Welsh, Judge

October 4, 2016

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