



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

November 12, 1973

Honorable Raymond W. Vowell
Department of Public Welfare
John H. Reagan Building
Austin, Texas 78711

Open Records Decision No. 9

Dear Mr. Vowell:

By letter of June 26, 1973, Mr. Ray Hamilton, of the Hamilton Convalescent Home of Fort Worth, Texas, requested from you the following information: (a) the percent of occupancy for each individual nursing home in Tarrant County; and (b) the percent of occupancy for Tarrant County at the overall county level. By letter of July 9, 1973, you transmitted this letter to us, along with your questions as to whether the requested information should be disclosed under House Bill 6. We understand that to comply with the request would necessitate the disclosure of information concerning persons receiving public medical assistance.

The information requested here is made confidential by V.A.T.S. PUBLIC WELFARE - Article 695j-1, Section 10. That Section provides in pertinent part:

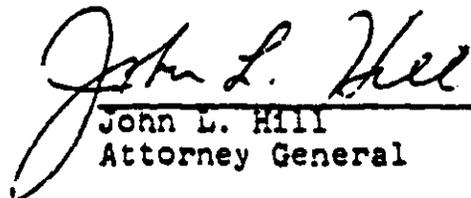
"It shall be unlawful...for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in use of, any list of, or names of, or any information concerning, persons applying for or receiving such public assistance or medical assistance, directly or indirectly derived from the records, papers, files, or communications of the State Department or subdivisions or agencies thereof, or acquired in the course of the performance of official duties." (emphasis added)

Section 3(a)(1) of House Bill 6 excepts from disclosure "information deemed confidential by law, either Constitutional, statutory, or by

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Judicial decision." We have no indication that Mr. Hamilton would utilize this information in a manner detrimental to persons receiving public medical assistance. But in this situation, House Bill 5 provides us no leeway to consider a requestor's motives. Because we can conceive of a situation where, albeit unintentionally, the names of persons receiving public medical assistance could be indirectly derived, we must honor the wishes of the Legislature and except this information from disclosure.

Very truly yours,



John L. Hill
Attorney General



C. J. Carl
Staff Legislative Assistant