



The Attorney General of Texas

August 29, 1980

MARK WHITE
Attorney General

Supreme Court Building
P.O. Box 12548
Austin, TX. 78711
512/475-2501

701 Commerce, Suite 200
Dallas, TX. 75202
214/742-8944

1824 Alberta Ave., Suite 160
El Paso, TX. 79905
915/533-3484

220 Dallas Ave., Suite 202
Houston, TX. 77002
650-0666

806 Broadway, Suite 312
Lubbock, TX. 79401
806-747-5238

1309 N. Tenth, Suite B
McAllen, TX. 78501
361-682-4547

30 Main Plaza, Suite 400
San Antonio, TX. 78205
512/225-4191

Equal Opportunity/
Affirmative Action Employer

Dr. Robert Bernstein
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Open Records Decision No. 250

Re: Whether information concerning the sale of hospitals is available to the public under the Open Records Act

Dear Dr. Bernstein:

You have requested our decision as to whether information pertaining to the sale of county hospitals owned by county hospital authorities is available to the public under the Open Records Act, article 6252-17a, V.T.C.S.

Article 4494r, V.T.C.S., establishes the procedure for creation of a county hospital authority. Any facility operating thereunder must be licensed by the State Board of Health in accordance with the provisions of article 4437f, V.T.C.S. Section 2(b)-(d). You have received a request to disclose: (1) whether any hospital owned by a county hospital authority established under article 4494r has been sold to a proprietary hospital company; (2) the previous and present owners of any such facility; and (3) details of the procedure by which transfer was effected.

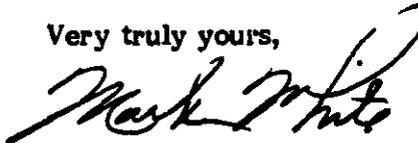
Section 15 of article 4437f provides:

Information received by the Licensing Agency through reports, inspections, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding brought under Section 9 of this Act.

This provision, while not prohibiting disclosure of all information about county authority hospitals, certainly precludes disclosure of any information relating to an individual facility. The release of non-identifying, statistical information would not be contrary to the statutory directive. Thus, in our opinion, you should disclose whether any hospital owned by a county hospital authority established under article 4494r has been sold to a proprietary

hospital company although the identity of the authority should not be revealed. Release of the other requested information, would, in our view, contravene the prohibition of section 15 of article 4437f.

Very truly yours,



MARK WHITE
Attorney General of Texas

JOHN W. FAINTER, JR.
First Assistant Attorney General

Prepared by Rick Gilpin
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

C. Robert Heath, Chairman
Jon Bible
Susan Garrison
Rick Gilpin
Bruce Youngblood