



The Attorney General of Texas

July 7, 1981

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Mr. William S. Nail
Executive Director
Texas State Board of Dental Examiners
718 Southwest Tower
Seventh & Brazos Streets
Austin, Texas 78701

Open Records Decision No. 276

Re: Whether information regarding an investigation of a licensee of the Board of Dental Examiners is available to the public

Dear Mr. Nail:

You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether information regarding an investigation of a licensee of the Board of Dental Examiners is available to the public.

You state that a dentist has applied for appointment to the medical staff of a private hospital. The hospital has asked the board to furnish details regarding any "past difficulties with alcohol and drug abuse." You have submitted to us a copy of a 1976 investigation report of the dentist in question. No further investigation was made after 1976.

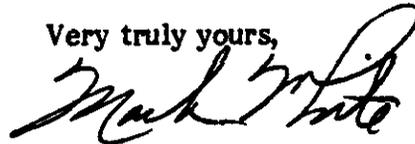
Section 3(a)(1) of the Open Records Act excepts "information deemed confidential by law." Article 4550, V.T.C.S., provides, in pertinent part:

All of the records and files of the Texas State Board of Dental Examiners shall be public records and open to inspection at reasonable times, except the investigation files and records which shall be confidential and their contents may not be forced to be divulged until after the investigation is complete or has been inactive for 60 days at which time this exception expires and the records open to inspection.

Since the 1976 investigation is now inactive, it is clear that all records pertaining thereto are now subject to disclosure under article 4550. Furthermore, the Open Records Act specifically makes public information currently regarded by agency policy as open to the public. Sec. 6(15). It does not authorize the withholding of information to the public, except as expressly provided. Sec. 14(b). It is thus our decision that the information contained in a 1976 investigation report of a particular licensee is not excepted from disclosure under any provision of the Open Records Act.

Mr. William S. Nail - Page Two

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White", written in a cursive style.

MARK WHITE
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