



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

February 28, 1990

Ms. Debbie McDonald  
President, Board of Trustees  
Uvalde County Hospital Authority  
Uvalde Memorial Hospital  
Garner Field Road  
Uvalde, Texas 78801

OR90-063

Dear Ms. McDonald:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8063.

You received a request from a county commissioner of Uvalde County for a copy of the summary of the results of a Uvalde Health Care Survey. You stated this survey was conducted at the request of the board of directors of the hospital in order to enhance the quality of patient care. You claimed the survey is confidential under section 3(a)(1) of the Open Records Act and V.T.C.S. article 4447d, section 3. Article 4447d, section 3 has been repealed and recodified as section 161.032 of the Health and Safety Code, which provides:

(a) The records and proceedings of a medical committee are confidential and are not subject to court subpoena.

(b) The records and proceedings may be used by the committee and the committee members only in the exercise of proper committee functions.

(c) This section does not apply to records made or maintained in the regular course of business by a hospital, health maintenance organization, or extended care facility.

Section 161.031 of the Health and Safety Code defines "medical committee":

(a) In this subchapter, 'medical committee' includes any committee, including a joint committee, of:

- (1) a hospital;
- (2) a medical organization;
- (3) a university medical school or health science center;
- (4) a health maintenance organization licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), including an independent practice association or other physician association whose committee or joint committee is a condition of contract with the health maintenance organization; or
- (5) an extended care facility.

(b) The term includes a committee appointed ad hoc to conduct a specific investigation or established under state or federal law or rule or under the bylaws or rules of the organization or institution.

Based on the information in your letter, there appears to be no involvement of a "medical committee" in the commissioning of the Uvalde Health Care Survey. The board of directors of the hospital, which requested the survey, cannot be considered a medical committee. Although the scope of the term "medical committee" is quite broad, 'committee' means something subordinate to the board of directors of a hospital.

We have considered the exceptions you claimed, specifically section 3(a)(1) of the Open Records Act and section 161.032 of the Health and Safety Code. Because the term board of directors is not included in the definition of medical committee, information in the possession of the board of directors cannot be withheld under section 161.032 of the Health and Safety Code and section 3(a)(1) of the Open Records Act. For this reason, you must release the survey to the commissioners court.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-063.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref.: ID# 8063, 7720

Enclosure: Attorney General Opinion JM-119

cc: Honorable Gilbert Torres  
Uvalde County Commissioner Pct. #2  
Uvalde County Courthouse  
Uvalde, Texas 78801