



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

March 22, 1990

Barbara Stacy, R.N.
Director of Nurses of
Dallas County Jail System
Dallas County Health Department
111 Commerce 3rd Floor
Medical Department
Dallas, Texas 75207-7401

OR90-112

Dear Ms. Stacy:

You ask whether certain information, specifically medical records of Mr. Willard Wiley, are available to him under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8616.

A provision of the Medical Practice Act resolves your question. Section 5.08 of article 4495b, V.T.C.S., provides that medical records of a patient created or maintained by a physician are confidential subject to certain exceptions. They may be released to any person who has written consent of the patient. The content of the consent form is set out in section 5.08(j)(1) of the act. The consent must state the reasons or purposes for the release of records. Id. § 5.08(j)(1)(B); see Open Records Decision No. 546 (1990). Thus, when you receive a consent form that complies with this statute, you must release the records to the requestor.

Because statutory law and a prior published open records decision 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 OR90-112.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/le

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Ref.: ID# 8616, 8301

Enclosure: Open Records Decision No. 546

cc: Willard Tyrone Wiley
T.D.C. No. 481405
Ellis One Unit
Huntsville, Texas 77343