



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

February 8, 1991

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P. O. Box 99
Huntsville, Texas 77342-0099

OR91-080

Dear Mr. Peck:

On July 5, 1990, this office issued a decision to you designated OR90-275. That decision addressed a number of questions you raised in regard to the availability of certain records under the Texas Open Records Act, article 6252-17a, V.T.C.S. The decision did not, however, address several of your questions because you had not provided documents for our review. Since then, you have submitted documents relevant to items 7 and 15 in the original request. This decision, which is designated OR91-080, addresses the availability of those documents.

Item 7 in the original request was a request for

All correspondence, data, information, inter-office communication, records, responses of the Health Services Division, Institutional Division, Texas Department of Criminal Justice (formally TDC) that in the past 27 months has reported incidents under Article 6203c-10 'Mandatory Reporting of Physician Misconduct or Malpractice' of any physician employed by TDCJ-ID (formally TDC) to the Texas State Board of Medical Examiners.

You have submitted for our review three files that are representative of the documents sought. Those files contain information relating to the medical condition and treatment of inmates. In accordance with the Ruiz Stipulated Modification of Section II, D And Section II, A of Amended Decree, you must withhold that information. See generally Open Records Decision No. 560 (1990).

Item 15 in the original request was for:

Attendance records (e.g. full name, title), Agenda Topics, dates and the minutes of the past 2 Infection Control Committee meeting of the Health Services Division, Institutional Division, Texas Department of Criminal Justice.

Although you do not seek to withhold the dates of the meetings or the attendance information, you do wish to withhold the requested minutes. We think a court would find the minutes to be confidential under sections 161.031 and 161.032 of the Health and Safety Code. Therefore, you must withhold them.

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 OR91-080.

Yours very truly,



Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/lcd

Ref.: ID# 10506

Enclosure: Open Records Decision No. 560