



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1994

Mr. Edward H. Perry
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR94-383

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 22718.

The City of Dallas (the "city") has received an open records request for a paramedic's report concerning a patient assisted by the Dallas Fire Department and for the names of the paramedics who provided the services. You state that the names of the paramedics have been released. However, you contend that the paramedic report is excepted from disclosure under section 552.101 of the Government Code and section 5.08(b) of the Medical Practice Act (V.T.C.S. art. 4495b).

We agree with your contention. Section 552.101 prohibits disclosure of information considered confidential by statutory law. The information in the paramedic report is specifically excepted from disclosure by the Medical Practice Act. V.T.C.S. art. 4495b, § 5.08 (b). Section 5.08(b) provides:

Records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician are confidential and privileged and may not be disclosed except as provided in this section.

Emergency medical service reports created by paramedics regarding the transportation of patients are medical records excepted from required public disclosure under section 552.101 of the Government Code and section 5.08(b) of the Medical Practice Act. Open Records Decision No. 578 (1990) at 4. The paramedic report at issue contains medical

records regarding the patient that were created by a paramedic at the direction of a physician and must be withheld from public disclosure under section 552.101 in conjunction with the Medical Practice Act.

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 contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/JCH/KKO/rho

Ref.: ID# 22718

Enclosures: Submitted documents

cc: Mr. Angelo DeWell Branch
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