



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 9, 1996

Ms. Helen M. Gros  
Senior Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0514

Dear Ms. Gros:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39145.

The City of Houston Department of Health and Human Services (the "department") received an open records request for information relating to complaints by citizens of medical problems that may have arisen during or following a series of large chemical fires at a particular warehouse site. You explain that because the exact contents of the burning warehouses were unknown, the department dispatched personnel to the scene to assist in a health triage effort for individuals who may have been exposed to fumes, smoke, and debris during the course of and following the fires. You further explain:

During this triage effort, and for several days following, Department of Health personnel accumulated data about individuals, including names, addresses, telephone numbers, medical history and symptoms that the individuals may have attributed to smoke and/or fume exposure. After presentation to the Health Department personnel, many citizens were advised to follow-up either immediately or in the short term, with their private health care provider.

You contend that the department records pertaining to these individuals' health problems that resulted from the warehouse fire constitute "health care information" as defined by section 241.151 of the Health and Safety Code (the "code") and thus are made confidential by section 241.152 of the code.

Chapter 241 of the code pertains to the licensing of hospitals by the Texas Department of Health. Subchapter G of chapter 241, which contains both sections 241.151 and 241.152, establishes procedures under which hospital patients' "health care information" may be disseminated to others. Section 241.152(a), which you contend makes the information at issue confidential, provides:

Except as authorized by Section 241.153, *a hospital or an agent or employee of a hospital* may not disclose health care information about a patient to any person other than the patient without the written authorization of the patient or the patient's legally authorized representative. [Emphasis added.]

The records at issue here are not now and never were records held by a hospital or hospital staff. Section 241.152, as well as all of subchapter G, is clearly inapplicable to the requested records. The department therefore must release these records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/ch

Ref.: ID# 39145

Enclosures: Submitted documents

cc: Mr. John Schmerfeld  
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(w/o enclosures)