



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 13, 1996

Mr. Tom Robinson
Miller & Robinson
P.O. Box 826
Gonzales, Texas 78629

OR96-0693

Dear Mr. Robinson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39609.

The City of Waelder (the "city") received a request for information regarding drug test results for a former named employee. You have submitted responsive documents to this office for review. You explain that the city "has in place an alcohol and drug policy which provides for random testing of employees." You contend that the results of drug tests conducted under the city's random testing program are excepted from disclosure under section 552.102(a) of the Government Code.

The documents responsive to the request for information are medical records that are confidential under the Medical Practice Act (the "MPA"), article 4495b, V.T.C.S. Section 5.08(b) provides as follows:

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.

As the documents at issue are medical records maintained by a physician, the documents may be released only in accordance with the MPA. Open Records Decision No. 598 (1991). *See* § 5.08(c), (j).

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,

A handwritten signature in black ink that reads "Karen Hattaway". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 39609

Enclosures: Submitted documents

cc: Browning Ferris Industries
San Antonio District
4542 S.E. Loop 410
San Antonio, Texas 7822
(w/o enclosures)