



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 10, 1996

Mr. Miles K. Risley
Senior Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR96-1113

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100344.

The City of Victoria (the "city") received a request from a representative of the Texas Workers' Compensation Insurance Fund for a copy of a certain incident report. You assert that portions of the requested report are excepted from required public disclosure based on section 552.101 of the Government Code. Section 552.101 applies to information that is deemed confidential by law, either constitutional, statutory, or by judicial decision. You base your section 552.101 claim on your assertion of the applicability of section 773.091(a) of the Health and Safety Code.

Section 773.091(a) reads as follows:

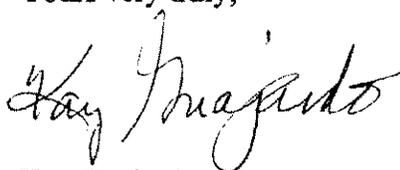
A communication between certified emergency medical services personnel or a physician providing medical supervision and a patient that is made in the course of providing emergency medical services to the patient is confidential and privileged and may not be disclosed except as provided by this chapter.

The information at issue contains communications of the patient with both certified emergency medical services personnel and a physician providing medical supervision.

Those communications were made while medical services were being provided to that patient. We therefore conclude that the information is made confidential by section 773.091(a). Consequently, the city must not release the information except as provided by chapter 773 of the Health and Safety Code. See Open Records Decision No. 598 (1991) n. 1 (access to records covered by Health and Safety Code sect. 773.091 not governed by Open Records Act).¹

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 100344

Enclosures: Submitted documents

cc: Mr. Danny Vivian
Texas Workers' Compensation Insurance Fund
P.O. Box 12029
Austin, Texas 78711-2029
(w/o enclosures)

¹See also Health and Safety Code §§ 773.092(e)(2) (permitting release of confidential records to governmental agencies if disclosure is required or authorized by law), (4) (permitting release to person bearing written consent of patient or other persons authorized to act on patient's behalf), 773.093 (requirements for written consent).