



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 18, 1996

Mr. George T. Harris  
Assistant District Attorney  
Tarrant County Hospital District  
Hospital District Office  
1025 South Jennings, Suite 300  
Fort Worth, Texas 76104

OR96-1180

Dear Mr. Harris:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40370.

The Tarrant County Hospital District (the "District") received a request for 12 categories of information. You state that the District will make available to the requestor most of the requested information. However, you contend that the information in categories 5 and 12 are excepted from required public disclosure<sup>1</sup> under section 552.101 of the Government Code and section 161.032(a) of the Health and Safety Code, as information made confidential by law. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.101 excepts from disclosure information that is confidential by law, either constitutional, statutory, or by judicial decision. You assert that the submitted information is deemed confidential by section 161.032(a) of the Health and Safety Code, which reads as follows:

The records and proceedings of a medical committee are confidential and are not subject to court subpoena.

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<sup>1</sup>It appears that through the District's April 24, 1996 letter to the requestor you attempted to clarify and narrow the scope of some of the categories of information sought in the original request. According to your letter, the requestor has indicated that request number 6 and 12 are to be read together, and address the topic of "shifting of care." Therefore, as you have agreed to release most of the remaining information and it appears that you are only seeking to withhold information in categories 5 and 12, we will assume any other public information not subject to an exception has been or will be released.

You assert that John Peter Smith Hospital is owned and operated by the District, and that the submitted documents are the records and proceedings of one or more medical committees for purposes of section 161.031(a). We agree that each of the committees is a "medical committee" as defined in section 161.031 of the Health and Safety Code, and their individual reports are records made confidential by section 161.032(a). *See Humana Hosp. Corp., Inc. v. Spears-Petersen*, 867 S.W.2d 858 (Tex. Civ. App.—San Antonio 1993, no writ).<sup>2</sup> Therefore, we conclude that the submitted records are confidential pursuant to section 161.032(a) of the Health and Safety Code, in conjunction with section 552.101 of the Government Code. Accordingly, the District must withhold from required public disclosure the submitted records. Gov't Code § 552.101; Open Records Decision No. 591 (1991).

We are resolving this matter with an informal letter ruling rather than with a published open records decision.<sup>3</sup> 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.<sup>4</sup> If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/ch

Ref: ID# 40370

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<sup>2</sup>The privilege from discovery for hospital review committee deliberations extends to minutes, correspondence between members relating to deliberation process and any final committee work product such as recommendations. *Id.*

<sup>3</sup>In regard to the requestor's request number 12, our office declines to address the broadness or specificity of the request. In general, our office instructs governmental bodies, such as the District, to seek clarification from the requestor, which you indicate you have done.

<sup>4</sup>In reaching our conclusion here, we assume that the records submitted to this office are truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Enclosures: Submitted documents

cc: Mr. Mark C. Hill  
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801 Cherry Street, Suite 1300  
Fort Worth, Texas 76102  
(w/o enclosures)