



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 21, 1996

Mr. Richard J. Ybarra
Open Records Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR96-1892

Dear Mr. Ybarra:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33567.

The Medicaid Fraud Control Unit of the Office of the Attorney General has received a request for "copies of the investigative reports and closing reports on any and all cases closed since Jan. 1, 1992, involving Medicaid fraud and/or patient abuse by home health care companies." You contend, among other things, that section 552.108 of the Government Code excepts the records from required public disclosure.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the requested records deal with the investigation of crime, we conclude that you may withhold the requested records under section 552.108 of the Government Code.

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 cursive script that reads "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 33567

Enclosures: Submitted documents

cc: Mr. Frank LoMonte
Atlanta Bureau Chief
Morris News Service
229 Peachtree Street, N.E.
202 Cain Tower
Atlanta, Georgia 30303
(w/o enclosures)