



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1996

Michael D. McKinney, M.D.
Commissioner
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR96-1936

Dear Commissioner McKinney:

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# 101472.

The Texas Health and Human Services Commission (the "Commission") received a request for "information on all complaints and accusations you have against me by a listing of the names of the complainants, as well as the dates and exact natures of the complaints. Additionally, a copy of all reports by Dr. Crow to the Commission regarding the Focused Review and the Complaint of" a certain individual. You assert that the requested information is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code.

Section 552.101 excepts from public disclosure information that is confidential by law, including information that is deemed confidential by statute. The disclosure of information concerning Medicaid recipients is prohibited by statute, except for a purpose directly connected with the administration of the Medicaid program. *See* 42 U.S.C. § 602(a)(9); Hum. Res. Code §§ 12.003, 21.012; Open Records Decision No. 584 (1991). You explain that the requested information concerns patients who received dental care under the Early and Periodic Screening, Diagnosis, and Treatment Program, a Medicaid program. *See* Hum. Res. Code § 32.024(r.) We have reviewed the information and conclude that the Commission must withhold it from the requestor pursuant to section 552.101 as information made confidential by statutory law.¹

¹In light of our conclusion under section 552.101, we need not address your other arguments at this time.

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# 101472

Enclosures: Submitted documents

cc: Mr. James L. Fletcher, D.D.S.
6955 North Mesa, Suite 110
El Paso, Texas 79912
(w/o enclosures)