



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1996

Ms. Tina Plummer
Open Records Coordinator
Texas Department of Mental Health
and Mental Retardation
P.O. Box 12668
Austin, Texas 78711-2668

OR96-2048

Dear Ms. Plummer:

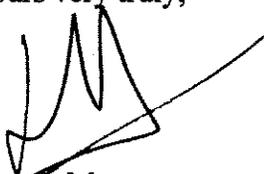
You seek reconsideration of Open Records Letter No. 96-1479 (1996) issued in accordance with the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101990.

The Texas Department of Mental Health and Mental Retardation ("MHMR") received two separate requests for information concerning ECT treatment, also known as electroconvulsive therapy, as well as the requests for information concerning any associated deaths. In Open Records Letter No. 96-1479 (1996), this office concluded in part that the MHMR could not withhold portions of an autopsy report under section 552.101 of the Government Code.

The MHMR's original request specifically contended that the information was confidential pursuant to section 552.101 of the Government Code in conjunction with sections 611.002(a) and 576.005(a) of the Health and Safety Code. In your request for reconsideration of Open Records Letter No. 96-1479 (1996) you contend that the facts in the instant request are similar to those at issue in Open Records Letter No. 95-1617 (1995). You state that several ECT reports were released to the requestors. You express concern that releasing all information in the autopsy report would reveal confidential patient information when combined with the information in the ECT reports. The autopsy reports, while not confidential under section 611.002(a), identify the patients who received ECT treatment during a specific period of time. As this office concluded in Open Records Letter No. 95-1617 (1995), "the release of the ECT report in conjunction with the autopsy report which includes the patients name, would identify a particular patient with the information in the ECT report and thereby reveal confidential patient information." Based on the additional information and argument you have provided, we conclude that the name of each patient must be redacted from the autopsy report.

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,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a long horizontal stroke extending to the right.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/rho

Ref.: ID# 101990

cc: Ms. Sandra Boodman
Health Section
Washington Post
1150 15th Street, NW
Washington, D.C. 20071

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