



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1998

Ms. Linda Wiegman
Supervising Attorney
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR98-2579

Dear Ms. Wiegman:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119294.

The Texas Department of Health ("TDH") received a request for "all your findings" in regard to a complaint against a particular hospice. You submit, as responsive to the request, a "Report of Contact" relating to the complaint in question, but assert that the requested information is confidential under section 552.101 of the Government Code in conjunction with section 142.009(d) of the Health and Safety Code.

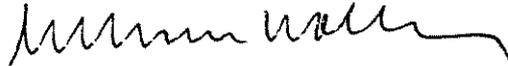
Section 552.101 of the Government Code excepts from disclosure information made confidential by statute. Section 142.009(d) of the Health and Safety Code makes confidential, with exceptions not applicable here, "reports, records and working papers used or developed in an investigation made under this section." Section 142.009 provides *inter alia* for TDH's investigation of complaints regarding hospices. We conclude that you may withhold the requested information under section 552.101 of the Government Code, in conjunction with section 142.009(d) of the Health and Safety Code.¹

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

¹We note that TDH has provided by rule for informing, in writing, a complainant who identifies himself by name and address of "the findings of the complaint investigation." See Title 25, Texas Administrative Code § 115.53(d)(5).

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 119294

Enclosures: Submitted documents

cc: Ms. Patricia Ann Spencer
P.O. Box 459
Van, Texas 75790
(w/o enclosures)