



July 14, 1999

Mr. Alberto J. Pena
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-1950

Dear Mr. Pena:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125903.

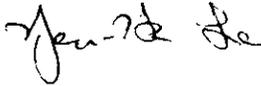
The City of San Antonio (the "city") received a request from an attorney for the medical records concerning his client relating to an EMS incident that occurred on December 7, 1998. You have treated the request as a request under the Texas Public Information Act and seek to withhold the requested information pursuant to section 552.103 of the Government Code.

It is clear to this office, however, that the requested information is not being sought pursuant to the Public Information Act, but rather pursuant to the Medical Liability and Insurance Improvement Act, article 4590i of the Texas Civil Statutes. The requestor has submitted to the city a notice of a health care liability claim. V.T.C.S. art. 4590i, § 4.01(a). Subsection (d) provides that "[a]ll parties shall be entitled to obtain complete and unaltered copies of the claimant's medical records from any other party within 10 days from the date of receipt of a written request for such records." *Id.* § 4.01(d). Accordingly, you must release the requested medical records in accordance with section 4.01 of article 4590i of the Texas Civil Statutes.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is written in a cursive, flowing style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 125903

Encl.: Submitted documents

cc: Mr. Corbin L. Snow, III
Snow & Laurel, L.L.P.
7330 San Pedro, Suite 630
San Antonio, Texas 78216
(w/o enclosures)