



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 2, 2010

Mr. Dan Meador
Assistant General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2010-18039

Dear Mr. Meador:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 402556.

The Texas Department of State Health Services (the "department") received a request for two specified complaints. You claim the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

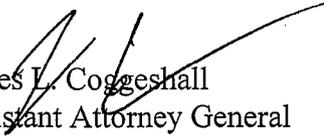
We note the submitted records consist of information held by the department that is made confidential by section 605.2021(h) of the Occupations Code. Section 605.2021(h) makes confidential information and materials subpoenaed or compiled by the Texas Board of Orthotics and Prosthetics (the "board") in connection with a complaint and investigation file with the board. In Open Records Letter No. 2010-13272 (2010), we issued a previous determination that authorizes the department to withhold under section 552.101 of the Government Code information held by the department that is made confidential by section 605.2021(h) of the Occupations Code, unless the exceptions to confidentiality listed in section 605.2021(h) are applicable or section 605.2021(i) applies, without the necessity of again requesting an attorney general decision with regard to the applicability of this exception. *See* Gov't Code § 552.301(a); Open Records Decision No. 673 at 7-8 (2001) (delineating elements of second type of previous determination under section 552.301(a)); *see also* Occ. Code § 605.2021(h), (i). You indicate the submitted information does not

contain any of the types of information listed in section 605.2021(h), and there is no indication section 605.2021(i) is applicable in this instance. Therefore, pursuant to Open Records Letter No. 2010-13272, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 605.2021(h) of the Occupations Code. *See* ORD No. 673.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/bs

Ref: ID# 402556

Enc. Submitted documents

c: Requestor
(w/o enclosures)