



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

December 17, 2010

Mr. James W. "Dusty" Johnston  
General Counsel  
Texas State Board of Nurse Examiners  
333 Guadalupe Street, Suite 3-460  
Austin, Texas 78701

OR2010-18986

Dear Mr. Johnston:

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# 404513.

The Texas Board of Nursing (the "board") received a request for information that had been redacted from certain documents that the board had previously released. You state some of the requested information has been released, with social security numbers redacted in accordance with section 552.147 of the Government Code. *See Gov't Code § 552.147(b)* (governmental body may redact living person's social security number from public release without necessity of requesting decision from this office under the Act). You claim some of the submitted 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.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 301.207 of the Occupations Code provides the following:

Information regarding a person's diagnosis or treatment for a physical condition, mental condition, or chemical dependency that the person submits to the board for a petition for a declaratory order of eligibility for a license or

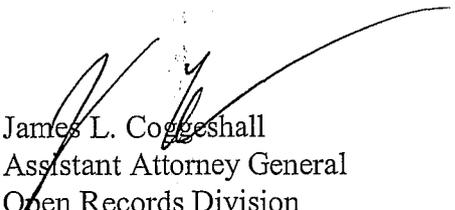
for an application for an initial license or a license renewal under this chapter is confidential to the same extent information collected on a nurse as part of an investigation of a complaint is confidential under Section 301.466.

Occ. Code § 301.207. You contend the answers to questions 3 and 4 of the board's Texas Online Renewal Document: Registered Nurse are confidential under section 301.207. Upon review, we agree the answers to these questions reveal information regarding a person's diagnosis or treatment for a physical condition, mental condition, or chemical dependency that the person submits to the board for an application for a license renewal under chapter 301. *See id; see also id.* § 301.466. We also find the requestor is not entitled to receive this information under section 301.466(b), and that the information at issue does not fall within the scope of section 301.466(c). Thus, we agree this information is confidential under section 301.207, and the board must withhold it under section 552.101 of the Government Code.

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](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/vb

Ref: ID# 404513

Enc. Submitted documents

c: Requestor  
(w/o enclosures)