



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 9, 2011

Mr. Ronald J. Bounds  
Assistant City Attorney  
City of Corpus Christi  
P.O. Box 9277  
Corpus Christi, Texas 78469-9277

OR2011-03284

Dear Mr. Bounds:

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# 411521.

The City of Corpus Christi (the "city") received a request for medical records and billing information related to the requestor's client. You state that some of the information has been released. You claim 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." Gov't Code § 552.101. Section 552.101 encompasses section 773.091 of the Health and Safety Code, which provides in relevant part:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(b), (g). Except for the information specified in section 773.091(g), emergency medical services (“EMS”) records are deemed confidential under section 773.091 and may be released only in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091–.094.

You state the submitted records are maintained by the city’s fire department and reflect the treatment of patients by EMS personnel. Based on your representation and our review, we find that the submitted fire department incident report does not reflect the identity, evaluation, or treatment of a patient for purposes of section 773.091. Therefore, the fire department incident report may not be withheld under section 552.101 of the Government Code in conjunction with section 773.091. We agree, however, the remaining information constitutes EMS records subject to chapter 773 of the Health and Safety Code. As you acknowledge, however, records that are confidential under section 773.091 may be disclosed to “any person who bears a written consent of the patient or other persons authorized to act on the patient’s behalf for the release of confidential information.” *Id.* §§ 773.092(e)(4), .093. Section 773.093 provides a consent for release of EMS records must specify (1) the information or records to be covered by the release; (2) the reasons or purpose for the release; and (3) the person to whom the information is to be released. *Id.* § 773.09(a)(1)–(3). We note that the requestor is the legal representative of the individual whose EMS records are at issue. You state, however, that the city has not received adequate consent for release of this information. Therefore, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code, except as specified by section 773.091(g). However, the city must release the information at issue on receipt of proper consent under section 773.093. *See id.* §§ 773.092, .093; *see also* Open Records Decision No. 613 at 4 (1993) (exceptions in Act cannot impinge on statutory right of access to information).

In summary, the city must withhold the information we have marked under section 552.101 of the Government Code in conjunction with section 773.091 of the Health & Safety Code, except as specified by section 773.091(g) of the Health & Safety Code. However, the city must release the marked EMS records on receipt of proper consent under section 773.093 of the Health & Safety Code. The remaining information must be released.

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,



Cindy Nettles  
Assistant Attorney General  
Open Records Division

CN/dls

Ref: ID# 411521

Enc. Submitted documents

c: Requestor  
(w/o enclosures)