



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 23, 2012

Mr. Reg Hargrove
Assistant Attorney General
Public Information Coordinator
General Counsel Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR2012-07975

Dear Mr. Hargrove:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 454665 (PIR No. 12-33025).

The Office of the Attorney General (the "OAG") received a request for "a full listing of the Home Health Agencies that were directly implicated" by the arrest of a Dallas doctor for his alleged role in a health care fraud scheme. The OAG claims the information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the OAG's claimed exceptions and reviewed the submitted information.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why release of the requested information would interfere with law enforcement. *See id.* § 552.301(e)(1)(a); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). In this instance, the OAG argues release of Exhibit B, which relates to a pending criminal investigation by its Medicaid Fraud Control Unit, will compromise the investigation. Based on the OAG's representation and our review of the records, we agree the OAG may withhold Exhibit B under section 552.108(a)(1). *See*

Houston Chronicle Publ'g Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Because section 552.108 is dispositive, we do not address the OAG's other argument.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/bhf

Ref: ID# 454665

Enc: Submitted documents

c: Requestor
(w/o enclosures)