

COWLES & THOMPSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

4000 NCNB PLAZA
901 MAIN STREET
DALLAS, TEXAS 75202

TELEPHONE (214) 670-1100

FAX (214) 698-0310

CHARLES SORRELLS
(1925-1992)

RO-33

November 13, 1990

100 CONGRESS AVENUE, SUITE 310
AUSTIN, TEXAS 78701
TELEPHONE (512) 477-3400

402 WEST LAMAR STREET
PO BOX 1127
SHERMAN, TEXAS 75091
TELEPHONE (214) 893-8999

DIRECT DIAL NUMBER

670-1118

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Id 5G
60Y
NCNB TEXAS NATIONAL BANK BLDG., SUITE 321
100 WEST ADAMS AVENUE
TEMPLE, TEXAS 76503
TELEPHONE (817) 771-2800

ONE AMERICAN CENTER, SUITE 777
909 E S E LOOP 323
TYLER, TEXAS 75701
TELEPHONE (214) 581-5588

Certified Mail No. 559 349 291
Return Receipt Requested

NOV 15 90

Ms. Susan Garrison
Office of the Attorney General
Open Government Section
P. O. Box 12548
Austin, TX 78711-2548

Re: *Jerry and Lana Kelley, Individually and Next Friend of
Jake Kelley - Request of Public Records of Irving Hospital
Authority*

Dear Ms. Garrison:

A request has been made for the Irving Hospital Authority to produce certain hospital records, correspondence, memoranda, and other information. Although the hospital has agreed to produce the requested medical records and the emergency room contract, it is the hospital's opinion that most of the information requested is confidential and protected by various statutory privileges.

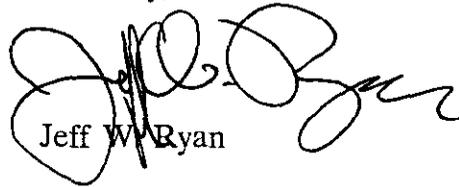
The requesting party alleges a special right of access to this confidential information pursuant to Article 6252-17a §3B(a). The appropriate consent for the release of such information was received by the Irving Hospital Authority on November 6, 1990. Irving Hospital Authority believes that the information requested is deemed confidential by law (either constitutional, statutory, or by judicial decision), and that such information has been previously determined to fall within one or more exceptions of the Open Records Act. However, in an effort to resolve this dispute in a timely manner, it now requests an opinion from the attorney general stating that the information requested is confidential and exempt from disclosure. Pursuant to my conversation with your office on November 13, 1990, I have enclosed copies of the requested information and our responses setting forth the reasons why the information should not be released.

ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY

If you have any questions or are in need of additional information, please call me.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff W. Ryan". The signature is stylized with large loops and a long horizontal stroke at the end.

JWR/kkb

Enclosure

cc: James Deatherage