



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 16, 1990

Ms. Penny Puryear Burt
Assistant Attorney General
Medicaid Fraud Control Unit
Attorney General's Office
Supreme Court Building
Austin, Texas 78711-2548

OR90-385

Dear Ms. Burt:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8503.

The Medicaid Fraud Control Unit of the Attorney General's Office received a request for a copy of a report it prepared in connection with the Prospective Payment Program of the Texas Department of Mental Health and Mental Retardation. You seek to withhold the report from public disclosure under sections 3(a)(3), 3(a)(7) and 3(a)(11).

We have considered the exceptions you claimed, and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No.551 (1990), a copy of which is enclosed, resolves your request. See page 4 of that decision regarding the duration of that exception. Accordingly, you may withhold the requested information from public disclosure under 3(a)(3). Because the information may be withheld under section 3(a)(3), we need not address your claims that it is excepted under sections 3(a)(7) and 3(a)(11).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-385.

Yours very truly,

David Newton

David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 8503, 8859

Enclosure: Open Records Decision No. 551

cc: Mr. J. Freeman Sawyer
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