



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 29, 1990

Mr. David Thompson
Bracewell & Patterson
Attorney for Friendswood I.S.D.
2900 South Tower
Pennzoil Place
Houston, Texas 77002-2781

OR90-408

Dear Mr. Thompson:

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# 10377.

The Friendswood Independent School District received an open records request for documents relating to the school superintendent's medical leave of absence. You state that you have released to the requestor all such documents except for a letter from the superintendent's physician recommending the medical leave. You contend that this letter constitutes a "medical record" and thus may be withheld from the public pursuant to section 3(a)(1) of the Open Records Act.

We agree. Section 5.08(b) of the Texas Medical Practices Act, V.T.C.S. article 4495b, provides:

Records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician are confidential and privileged and may not be disclosed except as provided in this section.

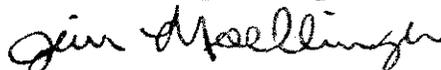
The letter at issue is clearly a record created by a physician that contains the diagnosis of a patient and, as such, is deemed confidential by article 4495b. You may not, therefore, release this document. See Attorney General Opinion MW-381 (1981).

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

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published open records decision. If you have questions about this ruling, please refer to OR90-408.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/RWP/le

Ref.: ID# 10377

cc: Gloria Nunn
303 Briar Meadow
Friendswood, Texas 77546