



Office of the Attorney General

State of Texas

August 12, 1992

DAN MORALES

ATTORNEY GENERAL

Louise Waddill, Ph.D., R.N.
Executive Director
Board of Nurse Examiners
9101 Burnet Road, Suite 104
Austin, Texas 78758

OR92-473

Dear Dr. Waddill:

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# 16741.

You have received a request for information relating to a Texas State Board of Nurse Examiners (the "board") investigation of a registered nurse licensed by the board. The requestor seeks 11 categories of information. You object to release of information responsive to category number six, in which the requestor seeks "[c]opies of all complaints made in writing to the Board concerning" the named registered nurse, on the ground that such information is made confidential by statute and thus excepted from required public disclosure by section 3(a)(1) of the Open Records Act. You do not comment on the remainder of the requested information, therefore, we presume it has been or will be made available to the requestor. See Open Records Decision No. 363 (1983).

Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Section (g) of article 4525, V.T.C.S., provides that

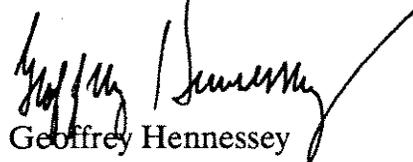
[a] complaint and investigation concerning a registered nurse under this article and all information and materials compiled by the board in connection with a complaint and investigation are confidential and not subject to disclosure

Section (g) lists five exceptions to nondisclosure, none of which we understand to apply to the information at issue here. Accordingly, we conclude that information

responsive to item number six must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act in conjunction with article 4525(g), V.T.C.S.

Because the applicable statutes 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 OR92-473.

Yours very truly,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/GCK/lmm

Ref.: ID# 16741
ID# 16875

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