



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 25, 1994

Ms. Margret C. Felty
Open Records Coordinator
Office of General Counsel
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199

OR94-691

Dear Ms. Felty:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 28913.

The Texas Department of Health (the "department") has received a request for certain Texas Medicaid paid claim data. Specifically, the requestor seeks information maintained in the department's electronic database, including specified fields relating to "transaction detail data selected based only on claim paid date" and specified fields relating to physician and pharmacy provider data. The requestor seeks this information for the period January 1, 1994, to September 30, 1994, inclusive. You claim that release of the requested information would require the department to conduct research not required under the Open Records Act. You also claim that section 552.101 of the Government Code excepts the requested information from required public disclosure.

In Open Records Decision No. 584 (1991), this office addressed the extent to which the Open Records Act required the Texas Department of Human Services to release information relating to individuals receiving, *inter alia*, medicaid assistance. This office concluded that both state and federal law prohibit public release of *any* information about medicaid recipients, not merely the recipients' names and addresses, by limiting disclosure to purposes directly connected to the administration of the medicaid programs. Open Records Decision No. 584 at 3; *see also* 42 U.S.C. § 602(a)(9); Hum. Res. Code § 12.003; 42 C.F.R. § 431.300.

You advise us that the requested information concerns medicaid recipients and claim that federal law therefore prohibits its release. In 1991, the Seventy-second Legislature transferred administration of federal medical assistance funds from the Texas Department of Human Services to the Texas Health and Human Services Commission (the "commission"). Acts 1991, 72d Leg., 1st C.S., ch. 15, § 1.01, at 287 (codified at V.T.C.S. art. 4413(502), § 16). The commission was also given broad oversight powers over "health and human service agencies," including the power to review health and human service agency rulemaking. *Id.* at 286-87 (codified at V.T.C.S. art. 4413(502), §§ 15, 16). The department is a health and human service agency, *id.* at 287 (codified at V.T.C.S. art. 4413(502), § 19), subject to the commission's broad oversight authority. In addition, the department administers the Texas Medicaid Vendor Drug Program. 25 T.A.C. § 14.1(e)(1). Thus, to the extent that it administers this program, the department is subject to federal regulations governing the disclosure of information concerning medicaid recipients.

We understand that the information at issue here was collected or generated in connection with the department's responsibilities in administering the Medicaid Vendor Drug Program. The requested information clearly relates to medicaid recipients. Accordingly, the department must withhold the requested information in its entirety under section 552.101 of the Government Code. As we resolve this matter under section 552.101, we need not address the other asserted grounds for nondisclosure at this time.

Because a prior published open records decision resolves 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 contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Ref: ID# 28913

cc: Ms. Roshini George
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