



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 29, 1995

Ms. Christine T. Rodriguez  
Staff Attorney  
Legal and Compliance, MC110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR95-1309

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36788.

The Texas Department of Insurance (the "department") received a request for information concerning Humana Health Plan of Texas and Coastal Bend Health Plan. The department seeks to withhold from required public disclosure certain medical information pursuant to section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from disclosure information that is confidential by law. You assert that this exception applies in two ways. First, you say portions of the information are protected from disclosure based on common-law privacy. Second, you assert that portions of the information are protected from disclosure based on a confidentiality provision in the Medical Practice Act, section 5.08(b) of V.T.C.S. article 4495b.

We agree that section 552.101 of the Government Code in conjunction with the common-law right to privacy and the Medical Practice Act confidentiality provision require the department to withhold portions of the requested information. We have marked the documents accordingly. We have also marked one set of documents that is deemed confidential by Health and Safety Code section 611.002 and which, consequently, the department must also withhold pursuant to section 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Open Records Division

KHG/ch

Ref.: ID# 36788

Enclosures: Marked documents

cc: Mr. John A. Sixta, Jr.  
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615 Upper N. Broadway  
MT 264  
Corpus Christi, Texas 78477  
(w/o enclosures)