



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 22, 1996

Ms. Sharon F. Logan
Interim Executive Director
Texas Commission on Alcohol and Drug Abuse
710 Brazos Street
Austin, Texas 78701-2576

OR96-0763

Dear Ms. Logan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39524.

The Texas Commission on Alcohol and Drug Abuse (the "commission") received a request for "any and all information available" on Sharon Stone, L.C.D.C. You state that the commission is providing the requestor with some responsive information but contend that information relating to two particular patients at West Oaks Hospital is excepted from required public disclosure under section 552.101 of the Government Code as information deemed confidential by law. We have considered your arguments against disclosure and have reviewed the information at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 81.103 of the Health and Safety Code provides for the confidentiality of a certain test results.¹ Because we find that section 81.103 is applicable to the records of both patients, we conclude that these records must be withheld from public disclosure pursuant to section 552.101 of the Government Code.²

¹With regard to one patient's records, you submitted a Consent for the Release of Confidential Information. Although section 81.103(d) permits a person tested to voluntarily release the test results, this particular consent authorized release only to the patient, himself. Thus, this consent does not permit disclosure to the requestor.

²You also cite Title 42 of the United States Code, section 290dd-2, which provides for the confidentiality of certain patient records. *See* 42 U.S.C. § 290dd-2(a). As we rule that the records are confidential under section 552.101 pursuant to section 81.103, we need not address the applicability of this statute.

We are resolving this matter with an 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 should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 39524

Enclosures: Submitted documents

cc: Ms. Lisa K. Carlson
Livingston, Markle, Miller, Ramos & Zito, P.C.
53 Waugh Drive, Suite 1200
Houston, Texas 77007
(w/o enclosures)