



June 28, 1999

Ms. Sara Hartin
City Attorney
City of Copperas Cove
P.O. Drawer 1449
Copperas Cove, Texas 76522

OR99-1793

Dear Ms. Hartin:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126713.

The City of Copperas Cove (the “city”) received a request for an emergency medical service (“EMS”) run report, which is a patient record completed by EMS personnel. You submitted to this office for review information that you contend is excepted from disclosure under sections section 773.091 of the Health and Medical Code (the “EMS Act”) in conjunction with section 552.101 of the Government Code. Section 552.101 of the Government Code protects information from disclosure if it is made confidential by statute or other law.

Section 773.091 of the Health and Safety Code provides, in part:

(b) Records of the identity, evaluation or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

....

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services. . . .

Section 773.091(b) thus protects from disclosure EMS “run sheets” to the extent that they supply information as to the identity, evaluation, or treatment of patients, except for the information specifically listed as not confidential in section 773.091(g). *See* Open Records

Decision No. 598 (1991).¹ As section 773.091(g) provides that a patient's age and sex is not confidential, you must disclose information giving the patient's age, date of birth, and sex. You must release the medical information that concerns the presence or nature of injury or illness for which the patient was treated. The remaining information must be withheld.

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.

Sincerely,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127136

Encl. Submitted documents

cc: Mr. Ronnie D. Krause
1540 Luthern Church Road
Copperas Cove, Texas 76522
(w/o enclosures)

¹ Open Records Decision No. 598 (1991) addresses a release of records under the Medical Practice Act, article 4495b, V.T.C.S. The opinion notes section 773.091 of the Health and Safety Code, and states:

Section 773.091 thus provides for the same confidentiality, exceptions to confidentiality, and requirements for release of the information at issue as does section 5.08 of the Medical Practice Act, without conflicting with the provisions of that act. . . . Our analysis under the Medical Practice Act is therefore equally applicable to a consideration of the issue under the Health and Safety Code provisions.