



August 3, 1999

Ms. Joan Carol Bates  
Medicaid Attorney  
Office of General Counsel  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, Texas 78756-3199

OR99-2189

Dear Ms. Bates:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126869.

The Department of Health (the “department”) received a request for the GeoAccess maps for the Dallas Medicaid managed care service area, as well as maps showing the location of physicians and hospitals participating in the Americaid, Parkland and Texas Health Network Maintenance Organizations. You indicate that release of the responsive information implicates the interests of third parties and that this information may be excepted from disclosure by section 552.110 of the Government Code. The department asserts no position in this regard. You have submitted a representative sample of the subject information to this office for review.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Pursuant to section 552.305 of the Government Code, this office informed the third parties of the request and provided them the opportunity to claim the exceptions to disclosure any may contend applies to the requested information, together with argument in support of those exceptions. *See Gov’t Code § 552.305* (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records

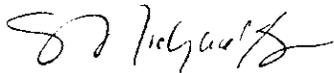
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<sup>1</sup>We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Decision No. 542 (1990) (determining that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in certain circumstances). The notification stated that if the respective company did not respond within 14 days of receipt of the notice, this office will assume that the company has no privacy or property interest in the requested information. None of the parties responded to this notice within the time limit. As neither the department nor a third party has raised an exception to the Public Information Act or established why any exception to disclosure applies to the requested information, we conclude that it must be released.

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,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 126869

Encl. Submitted documents

cc: Ms. Helen Kent Davis  
Texas Medical Association  
401 West 15<sup>th</sup> Street  
Austin, Texas 78701-1680  
(w/o enclosures)

Mr. Rick Williams  
Parkland Community Health Plan, Inc.  
6300 Harry Hines Boulevard, Suite 303  
Dallas, Texas 75235  
(w/o enclosures)

Ms. Sharron Cox  
Americaid Texas, Inc.  
6700 West Loop South, Suite 200  
Bellaire, Texas 77401  
(w/o enclosures)

Ms. Sandy Tyler  
Texas Health Network  
Birch & Davis Health Management Corporation  
6937 North IH-35  
Austin, Texas 78752  
(w/o enclosures)