



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 8, 2009

Mr. Robert D. Simpson
General Counsel
Texas Medical Board
MC-251, P.O. Box 2018
Austin, Texas 78768-2018

OR2009-04682

Dear Mr. Simpson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 339270 (TMB Reference No. 18410).

The Texas Medical Board (the "board") received a request for three categories of information pertaining to specific board members of the Informal Settlement and Show Compliance Hearing ("ISC") Panel for specified time periods. You claim that the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This exception encompasses information that other statutes make confidential. You raise section 552.101 in conjunction with section 164.007 of the Occupations Code. Section 164.007(c) provides as follows:

(c) Each complaint, adverse report, investigation file, other investigation report, and other investigative information in the possession of or received or gathered by the board or its employees or agents relating to a license holder, an application for license, or a criminal investigation or proceeding is

privileged and confidential and is not subject to discovery, subpoena, or other means of legal compulsion for release to anyone other than the board or its employees or agents involved in discipline of a license holder. For purposes of this subsection, investigative information includes information relating to the identity of, and a report made by, a physician performing or supervising compliance monitoring for the board.

Occ. Code § 164.007(c). You represent to this office that the submitted information is related to the investigations of complaints against license holders. Based on your representations and our review, we conclude that the board must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 164.007(c) of the Occupations Code. As our ruling is dispositive, we need not address your other argument against disclosure.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,



Christina Alvarado
Assistant Attorney General
Open Records Division

CA/rl

Ref: ID# 339270

Enc. Submitted documents

cc: Requestor
(w/o enclosures)