



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

November 29, 2010

Ms. Zeena T. Angadicheril  
Ms. Neera Chatterjee  
Office of the General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701

OR2010-17850

Dear Ms. Angadicheril & Ms. Chatterjee:

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# 401250 (OGC # 133216).

The University of Texas Southwestern Medical Center at Dallas (the "university") received a request for records related to evaluations of five named current and former residents. You state the university has released some responsive information to the requestor. You claim 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.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes. Section 161.032 of the Health and Safety Code provides in relevant part:

(c) Records, information, or reports of a medical committee [or] medical peer review committee, . . . and records, information, or reports provided by a medical committee

[or] medical peer review committee, . . . to the governing body of a public hospital . . . are not subject to disclosure [the Act].

...

(f) This section and Subchapter A, Chapter 160, Occupations Code, do not apply to records made or maintained in the regular course of business by a hospital, health maintenance organization, medical organization, university medical center or health science center, hospital district, hospital authority, or extended care facility.

Health and Safety Code § 161.032(c), (f). Section 161.031(a) defines a “medical committee” for purposes of subchapter D of chapter 161 to include “any committee . . . of (3) a university medical school or health science center[.]” *Id.* § 161.031(a)(3). Further, section 161.0315 provides that “[t]he governing body of a hospital [or] university medical school or health science center . . . may form a medical peer review committee, as defined by Section 151.002, Occupations Code, or a medical committee, as defined by Section 161.031, to evaluate medical and health care services[.]” *Id.* § 161.0315(a).

You explain the university has an orthopedic surgery residency training review committee (the “committee”) that periodically evaluates the health care services rendered by resident physicians within the university’s orthopedic surgery residency program. Thus, pursuant to section 161.031(a)(3), the committee is a “medical committee” for purposes of subchapter D. You represent that all the submitted documents relate to evaluations of current and former resident physicians in the university’s department of orthopedic surgery and were reviewed and are maintained by the committee for the purpose of assessing those physicians’ professional performance. Based on this representation and our review of the information at issue, we find the submitted information consists entirely of the records of a medical committee. You indicate the documents at issue were not made or and are not maintained in the regular course of business. *Cf. Texarkana Mem’l Hosp., Inc. v. Jones*, 551 S.W.2d 33, 35 (Tex. 1977) (defining records made or maintained in regular course of business). Accordingly, the university must withhold the submitted documents under section 552.101 of the Government Code in conjunction with section 161.032 of the Health and Safety Code.

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](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, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Davis", written in a cursive style.

Bob Davis  
Assistant Attorney General  
Open Records Division

RSD/tp

Ref: ID# 401250

Enc: Submitted documents

c: Requestor  
(w/o enclosures)