



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

July 30, 2015

Ms. Kimberly R. Jessett  
Counsel for Cypress Creek EMS  
Litchfield Cavo, LLP  
One Riverway, Suite 1000  
Houston, Texas 77056

OR2015-15568

Dear Ms. Jessett:

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# 573502.

Cypress Creek Emergency Medical Services ("CCEMS"), which you represent, received a request for specified categories of information, including information pertaining to medical billing services and Koronis Billing Solutions. CCEMS states it has provided some of the requested information to the requestor, but claims the submitted information is either not subject to the Act or excepted from disclosure under section 552.103 of the Government Code. We have considered the submitted arguments.<sup>1</sup> 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).

CCEMS asserts it is not a governmental body and, therefore, is not subject to the Act. The Act defines "governmental body" in pertinent part as

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<sup>1</sup>We note we asked CCEMS to provide additional information pursuant to section 552.303 of the Government Code. *See* Gov't Code § 552.303(c)-(d) (if attorney general determines that information in addition to that required by section 552.301 is necessary to render decision, written notice of that fact shall be given to governmental body and requestor, and governmental body shall submit necessary additional information to attorney general not later than seventh calendar day after date of receipt of notice). We have received and considered the correspondence sent by CCEMS pursuant to that request.

the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds[.]

*Id.* § 552.003(1)(A)(xii). “Public funds” means “funds of the state or of a governmental subdivision of the state.” *Id.* § 552.003(5). The Texas Supreme Court has defined “‘supported in whole or part by public funds’ to include only those private entities or their sub-parts sustained, at least in part, by public funds, meaning they could not perform the same or similar services without the public funds.” *Greater Houston P’ship v. Paxton*, No. 13-0745, 2015 WL 3978138, at \*9 (Tex. June 26, 2015). Thus, section 552.003(1)(A)(xii) encompasses only those private entities that are dependent on public funds to operate as a going concern, *see id.* at \*7, and only those entities acting as the functional equivalent of the government, *see id.* at \*8.

CEEMS informs us it is a nonprofit corporation that provides emergency medical services and educational programs to local communities. CEEMS explains it has a contract with Emergency Services District No. 11 (the “district”) to provide emergency medical services. CEEMS states the following: it received \$10,665,365.00 in public funds in 2014 under the contract with the district; its total support and revenue in 2014 was \$20,259,762.00; its total assets as of December 31, 2014, were \$15,950,934; and those total assets “are privately owned.” However, CEEMS does not explicitly inform us whether it is dependent on public funds to operate as an ongoing concern. *Id.* at \*7. Accordingly, given CEEMS’s representation that only roughly half of its total support and revenue was received from public funds, we understand CEEMS to represent it is not dependent on public funds to operate as a going concern. *Id.* Therefore, on the basis of CEEMS’s representations, we conclude CEEMS is not sustained by public funds. *See id.* at \*9. Consequently, CEEMS does not fall within the definition of a “governmental body” under section 552.003(1)(A)(xii) of the Government Code and is not subject to the Act. Thus, CEEMS is not required to respond to the request for information.<sup>2</sup>

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.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

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<sup>2</sup>As our ruling is dispositive, we do not address CEEMS’s argument to withhold this information under the Act.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/cbz

Ref: ID# 573502

c: Requestor  
(w/o enclosures)