



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 2, 2016

Mr. Kevin Raymond
Litigation Section Chief
Texas Health and Human Services Commission
P.O. Box 13247
Austin, Texas 78711

OR2016-02556

Dear Mr. Raymond:

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# 596376.

The Texas Health and Human Services Commission (the "commission") received a request for the contact information of Medicaid dental and orthodontic providers "(1) that have been placed on payment hold since 2010; and (2) for which the state has pursued an overpayment claim since 2010." You state the commission is releasing some of the requested 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. We have also received and considered comments from the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released).

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." *Id.* § 552.101. This section encompasses information protected by other statutes, including section 531.1021 of the Government Code, which provides, in relevant part:

(g) All information and materials subpoenaed or compiled by the [commission's Office of the Inspector General ("OIG")] in connection with an audit or investigation or by the office of the attorney general in connection

with a Medicaid fraud investigation are confidential and not subject to disclosure under [the Act], and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the [OIG] or the attorney general or their employees or agents involved in the audit or investigation conducted by the [OIG] or the attorney general, except that this information may be disclosed to the state auditor's office, law enforcement agencies, and other entities as permitted by other law.

(h) A person who receives information under Subsection (g) may disclose the information only in accordance with Subsection (g) and in a manner that is consistent with the authorized purpose for which the person first received the information.

Id. § 531.1021(g), (h). You state the information you have highlighted was compiled by the OIG in connection with an investigation concerning alleged Medicaid and other health and human services fraud and abuse. Based on your representation and our review, we find the commission must withhold the information you have highlighted under section 552.101 of the Government Code in conjunction with section 531.1021(g) of the Government Code. As you do not raise another exception to disclosure, the commission must release the remaining information.

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

Sincerely,



Lee Seidlits
Assistant Attorney General
Open Records Division

CLS/som

Ref: ID# 596376

Enc. Submitted documents

c: Requestor
(w/o enclosures)