



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 31, 2016

Ms. Elizabeth L. DeRieux
Counsel for Community Healthcore
Capshaw DeRieux LLP
114 East Commerce Avenue
Gladewater, Texas 75647

OR2016-19744

Dear Ms. DeRieux:

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# 624701.

Community Healthcore ("CHC") received a request for the nursing license number and Drug Enforcement Administration (the "DEA") registration number of a specified CHC employee and a copy of the specified CHC employee's nursing license. You state you released the nursing license number. You also state you have no information responsive to the portion of the request seeking a copy of the nursing license.¹ You claim the submitted information is excepted from disclosure under sections 552.101, 552.108, 552.118, and 552.136 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.136 of the Government Code provides, "[n]otwithstanding any other provision of [the Act], a credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential." Gov't Code § 552.136(b). Section 552.136(a) defines "access device" as "a card, plate, code, account

¹The Act does not require a governmental body that receives a request for information to create information that did not exist when the request was received. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 563 at 8 (1990), 555 at 1-2 (1990), 452 at 3 (1986), 362 at 2 (1983).

number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another access device may be used to . . . obtain money, goods, services, or another thing of value [or] initiate a transfer of funds other than a transfer originated solely by paper instrument.” *Id.* § 552.136(a). The submitted information consists of a DEA registration number. You explain this number is a unique number assigned to specific healthcare providers and authorizes providers to prescribe prescription drugs and controlled substances. Accordingly, we find CHC has demonstrated the submitted DEA registration number consists of an access device number for purposes of section 552.136. Thus, CHC must withhold the submitted information under section 552.136 of the Government Code.²

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,



Gerald A. Arismendez
Assistant Attorney General
Open Records Division

GAA/akg

Ref: ID# 624701

Enc. Submitted documents

c: Requestor
(w/o enclosures)

²As our ruling is dispositive, we need not address your remaining arguments against disclosure of the submitted information.