



Texas Health Care Information Council

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OPINION COMMITTEE

RQ-0518-JC

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March 1, 2002

The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42491-02
I.D. # 42491

Attention: Susan Denmon Gusky, Chair, Opinion Committee

Dear General Cornyn:

The Texas Health Care Information Council's enabling legislation is found at Health and Safety Code, Chapter 108. The Council recently received a request from Senator Chris Harris for "hospital-by-hospital admissions for treatment relating to trauma incidents." Additionally, the Council has received a request from a member of the public for "the number of deaths occurring in a particular hospital for the years 1999 and 2000." To respond to these requests, Council staff must develop customized hospital-level information based on hospital discharge data contained in the Council's public use data file.

Health and Safety Code, § 108.011(f) provides that:

A report issued by the council shall include a reasonable review and comment period for the affected providers before public release of the report.

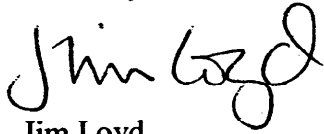
In this instance, "providers" refers to hospitals.

Chapter 108 provides no definition of the term "report." However, when the term is referenced in §108.011(f), it appears under the section entitled "Dissemination of Public Use Data and Council Publications," possibly suggesting that the term pertains only to reports packaged as Council publications rather than as responses to *ad hoc* inquiries. Accordingly, as the Council's Executive Director and on behalf of the Council, I request your opinion on the following issues:

- (1) Do compilations of data by Council staff responsive to the foregoing requests constitute "reports" within the meaning of §108.011(f)?
- (2) If the answer to (1) is "yes," will the transmittal of the report to Senator Harris constitute a "public release" of the data requiring "a reasonable review and comment period for the affected providers" before its release?

Thank you for your assistance with this matter. You may contact me at 482-3317 if you need further background information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Loyd". The signature is written in a cursive, slightly slanted style.

Jim Loyd
Executive Director

xc: Senator Chris Harris, Texas Senate