



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 18, 2016

Ms. Andrea D. Russell
Counsel for the City of Haltom City
Taylor Olson Adkins Sralla Elam
6000 Western Place, Suite 200
Fort Worth, Texas 76107

OR2016-18760

Dear Ms. Russell:

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# 623142.

The City of Haltom City (the "city"), which you represent, received a request for emergency medical services ("EMS") records pertaining to a named individual. 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. Section 552.101 of the Government Code encompasses information made confidential by section 773.091 of the Health and Safety Code, which provides in part:

(b) Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

...

(g) The privilege of confidentiality under this section does not extend to information regarding the presence, nature of injury or illness, age, sex, occupation, and city of residence of a patient who is receiving emergency medical services.

Health & Safety Code § 773.091(b), (g). Except for the information specified in section 773.091(g), EMS records are deemed confidential under section 773.091 and may only be released in accordance with chapter 773 of the Health and Safety Code. *See id.* §§ 773.091-.094. Upon review, we find the submitted information consists of EMS records subject to chapter 773. Thus, with the exception of the information subject to section 773.091(g), which is not confidential and must be released, the submitted information must generally be withheld under section 552.101 of the Government Code in conjunction with section 773.091 of the Health and Safety Code.

In this instance, the requestor is a representative of the Tarrant County Child Fatality Review Team (the “CFRT”). Section 773.092 of the Health and Safety Code states that confidential EMS records may be disclosed to governmental agencies if the disclosure is required or authorized by law. *See id.* § 773.092(e)(2). Subchapter F of chapter 264 of the Family Code relates to child fatality review and investigation. *See* Fam. Code §§ 264.501 *et seq.* The purpose and duties of a child fatality review team include “decreas[ing] the incidence of preventable child deaths by . . . developing an understanding of the causes and incidence of child deaths in the county or counties in which the review team is located[.]” *Id.* § 264.506(a)(3). A child fatality review team committee is composed of appointed representatives of state and local government agencies. *Id.* § 264.502. A child fatality review team may be established for a county to review child deaths in that county, and its members may be representatives from multiple government agencies. *Id.* § 264.505(a), (c). A child fatality review team is required to “meet on a regular basis to review child fatality cases and recommend methods to improve coordination of services and investigations between agencies that are represented on the team[.]” *Id.* § 264.506(b)(2). Furthermore, section 264.508 provides “[t]he review team of the county in which the injury, illness, or event that was the cause of the death of the child occurred, as stated on the child’s death certificate, shall review the death.” *Id.* § 264.508(a). Section 264.509 provides in relevant part:

(a) A review team may request information and records regarding a deceased child as necessary to carry out the review team’s purpose and duties. Records and information that may be requested under this section include:

(1) medical, dental, and mental health care information; and

(2) information and records maintained by any state or local government agency, including:

- (A) a birth certificate;
- (B) law enforcement investigative data;
- (C) medical examiner investigative data;
- (D) juvenile court records;
- (E) parole and probation information and records; and
- (F) child protective services information and records.

(b) On request of the presiding officer of a review team, the custodian of the relevant information and records relating to a deceased child shall provide those records to the review team at no cost to the review team.

Id. § 264.509(a), (b). The submitted information consists of records of the identity, evaluation, or treatment of a child patient by EMS personnel. Section 264.509(a) provides that a child fatality review team shall have access to medical care information and records as necessary to conduct its duties. *Id.* § 264.509(a). Section 264.509(b) states, upon request of the presiding officer of the review team, the custodian of the “relevant information and records” shall provide the records to the review team. *Id.* § 264.509(b). Here, the requestor is the presiding officer of the CFRT, which is a governmental agency authorized to receive EMS records for purposes of section 773.092(e)(2) of the Health and Safety Code. Accordingly, the city must release the submitted information to the requestor pursuant to section 264.509(b) of the Family Code.¹

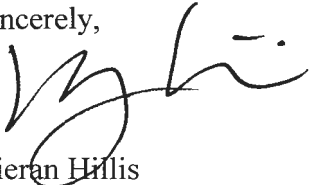
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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/>

¹We note the requestor has a special right of access to the information being released. Thus, the city must again seek a decision from this office if it receives another request for the same information from another requestor.

[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,

A handwritten signature in black ink, appearing to read 'KH', with a horizontal line extending from the end of the signature.

Kieran Hillis
Assistant Attorney General
Open Records Division

KH/akg

Ref: ID# 623142

Enc. Submitted documents

c: Requestor
(w/o enclosures)