



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

March 29, 2022

Mr. Daniel W. Ray  
Counsel for Hunt County  
Scott, Ray, Pemberton & Goll, PLLC  
P.O. Box 1353  
Greenville, Texas 75403-1353

OR2022-09079

Dear Mr. Ray:

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# 939462.

Hunt County (the "county"), which you represent, received a request for a specified urinalysis result. The county claims the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the claimed exception 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. This section encompasses section 611.002 of the Health and Safety Code, which provides, in part, as follows:

(a) Communications between a patient and a professional, and records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional, are confidential.

(b) Confidential communications or records may not be disclosed except as provided by Section 611.004 or 611.0045.

Health & Safety Code § 611.002(a)-(b). Section 611.001 defines a "professional" as (1) a person authorized to practice medicine, (2) a person licensed or certified by the state to diagnose, evaluate, or treat mental or emotional conditions or disorders, or (3) a person the

patient reasonably believes is authorized, licensed, or certified. *Id.* § 611.001(2). Upon review, we find the county has failed to demonstrate any of the submitted information consists of mental health records for purposes of section 611.002. Accordingly, the submitted information is not confidential under section 611.002, and the county may not withhold it under section 552.101 of the Government Code on that ground. Therefore, the county must release the submitted 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/jm

Ref: ID# 939462

Enc. Submitted documents

c: Requestor  
(w/o enclosures)