



DEPARTMENT OF JUSTICE

Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

March 28, 1989

Dorothy Clark, RRA
Director of Medical Records
Oregon State Hospital
2600 Center Street, N.E.
Salem, OR 97310

Anthony M. Chapman, #9720
Oregon State Correctional Institute
3405 Deer Park Drive, S.E.
Salem, OR 97310

**Re: Petition for Public Records Disclosure Order;
Oregon State Hospital Records**

Dear Ms. Clark and Mr. Chapman:

This letter is the Attorney General's order on Mr. Chapman's petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. The petition, which we received on March 22, 1989, asks the Attorney General to direct the Oregon State Hospital (OSH) to disclose diagnostic records and reports pertaining to psychiatric treatment and counseling given to Mr. Chapman under the alias of Anthony M. Mintken from March 24, 1978, until June 1978 at OSH, as well as medical records of Anthony M. Chapman (aka Anthony M. Mintken). We conditionally grant the petition.

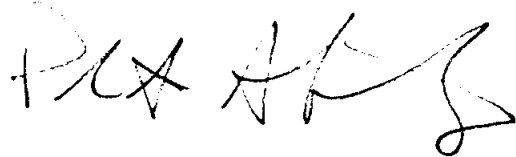
The Public Records Law confers a right to inspect public records of a public body in Oregon, subject to certain exceptions. ORS 192.420. Here, the key exemption appears in ORS 192.502(8), which exempts from disclosure "[p]ublic records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon Law." ORS 179.505, incorporated into the Public Records

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Law through ORS 192.502(8), prohibits disclosure of medical and psychiatric records except upon satisfaction of specified conditions. Under ORS 179.505(3), a patient or any other person may obtain a copy of such records upon written consent of the patient setting forth the information required by subsection 3(a)(e).

We understand that OSH is willing to produce a copy of the requested records for Mr. Chapman or his mother if the Medical Records Department receives either a properly signed consent form from Mr. Chapman or receives proof from his mother of her power of attorney. For Mr. Chapman's convenience, an OSH consent form is enclosed. OSH may charge for its actual cost in making the copies available. ORS 192.440(2).

Very truly yours,



PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:cm
Enclosure
cc: D.L. Brissenden, Assistant Attorney General
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