



TEXAS MEDICAL BOARD

August 22, 2007

Kenneth K. Rodgers
Gulf Coast AccuSearch, LLC
808 Travis, Suite 1101
Houston, TX 77012

RE: Your Request for Information
Our Ref. No. 16802

Dear Mr. Rodgers:

On August 14, 2007, The Texas Medical Board ("this agency") received your request for 89 items. We have reviewed your request and categorized each item of your request according to the type of information requested. Attached is a listing of your request with the category identified for each item. The references in the list apply to the following category sections, based on the type of information requested.

- 1. The response to some of the items requires the copying of documents maintained in this office. We have determined that we have information responsive to your request. Under our current charge policy and the Attorney General Guidelines, the estimated cost to produce this information is:

Table with 3 columns: DESCRIPTION, UNIT CHARGE, CHARGE. Rows include Est. Num. of Pages (600), Personnel Time (15), Overhead, Postage and Handling, and a TOTAL of \$ 350.00.

- 2. The response to some of the items requires programming or manipulation of data that is in electronic media. We have determined that we have information responsive to your request. Under our current charge policy and the Attorney General Guidelines, we estimate that the cost of responding to your request would be as follows:

Table with 3 columns: Item #, Requested Data, Hours Required. Rows list specific data requests and their corresponding hours (4.00 each).

Location Address:
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701

Mailing Address
MC-251, P.O. Box 2018
Austin, Texas 78768-2018

Phone 512.305.7010
Fax 512.305.7051
www.tmb.state.tx.us

12	of those how many complaints went to ISC	3.25
13	of those how many complaints dismissed with ISC by class	4.50
18	How many complaints filed by patients - list them	8.00
19	How many complaints filed by patients - list them	8.00
21	How many complaints filed by doctors - list them	8.00
22	How many complaints filed by hospitals - list them	8.00
24	How many from above source were dismissed w/o ISC	9.00
25	How many from above sources were referred to ISC	7.00
26	How many from above sources were referred to ISC & dismissed	7.00
32	How many doctor had complaints dismissed before an ISC	4.75
33	How many doctor had complaints dismissed at an ISC	4.75
34	How many doctor did not have complaints dismissed at an ISC	4.75
35	How many ISC doctors chose to go to SOAH	5.50
37	How many complaints dismissed at SOAH	6.00
38	How many complaints not dismissed at SOAH	6.00
39-40-41	How many Doctors sought remedy in State Court System and Complaints dismissed after appeal to State Court System	3.00
51	Provide a list of reviewing medical doctors	5.00
53	List specialty and credentials of each doctor	4.00
63-64	List of Open Records Requests & those denied or no response	2.00
67, 68, 69, & 70	Correspondence, including emails, between Don Patrick and various others (see table below for details)	9,222.50
78	List physicians disciplined since 1-1-03 (disc basis, contact info)	14.00
89	Public Information Requests by newspapers	2.50
	Total Hours	9,359.50
	Total Personnel charge at \$28.00 per Hour	\$262,066.00
	Overhead @ 20% of Personnel Charge	\$52,413.20
	Total Cost	\$314,479.20

Responses to request items 67, 68, 69, and 70 would require that we retrieve 69 back-up tapes from archives and apply various queries to each back-up tape. The following table provides further details regarding the time required to respond to these request items:

Item	Email	Hours	Times Repeated	Total Hours
All Email	Identify and get Tapes a from state Archives	4.00	1	4.00
All Email	Prepare Server to load non production email system	5.00	1	5.00
All Email	Load Backup tape unto non production email system	4.00	66	264.00
67	Set up and search From fields for Keith Millar	1.50	69	103.50
67	Set and search Sent fields for Keith Millar	1.50	69	103.50
67	Copy found emails from Outlook to staging folder	1.00	69	69.00
68	Search From fields for Larry Anderson	1.50	69	103.50
68	Search Sent fields for Larry Anderson	1.50	69	103.50
68	Copy found emails from Outlook to staging folder	1.00	69	69.00
69	Set up and search email content fields for the word insurance	1.50	69	103.50

69	Copy found emails from Outlook to staging folder	1.00	69	69.00
69	Examine to insure that email to or from an insurance related entity	8.00	1	8.00
70	Set up and search From fields for Fed of state medical domain	1.50	69	103.50
70	Set and search Sent fields for Fed of state medical domain	1.50	69	103.50
70	Copy found emails from Outlook to staging folder	1.00	69	69.00
70	Set up and search From fields for TMB members & directors	1.50	2,622	3,933.00
70	Set and search Sent fields for TMB members & directors	1.50	2,622	3,933.00
70	Copy found emails from Outlook to staging folder	1.00	69	69.00
All Email	Copy found Emails to portable medium	4.00	1	4.00
All Email	Return Tapes to State Archive	2.00	1.00	2.00
	Total Hours			9,222.50

3. The response to some of the items would require this agency to prepare or assemble new information. The Public Information Act requires disclosure of public information that is in existence, but it does not require a government entity to prepare or assemble new information in response to a request. See *A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668 (Tex. 1995). Therefore, these items do not constitute a proper request for public information.

4. The response to some of the items would require this agency to provide information regarding an investigation of one or more license holders. Information regarding an investigation of a license holder is confidential, pursuant to previous determination Letter Ruling OR2007-03117, dated March 22, 2007, from the Office of the Attorney General.

Pursuant to Section 552.263, Public Information Act, we require a deposit of anticipated costs for the preparation of a copy of the public information. The total deposit required is \$314,829.20, which is the total of category sections numbers 1 and 2, above.

We have noted in the response to each item of your request those items that could be inspected in our office, rather than paying for a copy to be made. As to all other items, we are not aware of any less costly or no-cost way of viewing this information. Much of our work is required to be confidential by statute. Therefore, we do not allow access to our computers to anyone. We will have to electronically or manually sort out the information that you have requested, making sure that we do not inadvertently include confidential information. The costs that are projected in this estimate would be required whether you viewed the resulting information at a computer screen, we provided you with a CD containing the information, or if we printed a copy of the information.

If you would like to try to reduce the costs by modifying your request, we will be glad to work with you. Please call me if you wish to pursue this possibility.

In accordance with §552.2615, *Texas Government Code*, you, as the requestor, are required to do certain things. If you do not, your request for information may be withdrawn. This section of the Public Information Act requires:

- a. You must provide this agency with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement. You may choose which type of address to provide.
- b. This agency must inform you that the request is considered automatically withdrawn if you do not respond in writing to this itemized statement within 10 business days after the statement is sent to you. This response is limited by law to a response that you will accept the estimated charges, will modify the request in response to the itemized statement, or have sent to the Cost Rules Administrator at the Office of the Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the requested information.
- c. You must respond to the statement by delivering the written statement response to this agency either by mail, in person, by facsimile transmission, or by electronic mail.

If you agree to accept this estimate of anticipated charges, please do so in writing as detailed above. You may send a copy of this letter with a check or money order payable to: "Texas Medical Board" with Open Records Reference No. 16802 appearing on the check or money order. Please address the envelope to the address on this letterhead. The documents will be provided as soon as reasonably possible upon receipt of your payment. We estimate that six-months will be required to comply with your request after we receive your payment of the cost estimate.

This letter details the procedures for charges of copies of the material. If you wish, you may inspect the material at our offices, which may be less costly. For further details, you may contact me at 512-305-7092 or by email at bonnie.kaderka@tmb.state.tx.us.

Very truly yours,

Bonnie Kaderka
Open Records Administrator