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April 11, 2000

Joe Rojas-Burke
THE OREGONIAN
1320 SW Broadway
Portland, OR 97201-3499

Re: *Petition for Public Records Disclosure Order*
Board of Nursing Records

Dear Mr. Rojas-Burke:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on April 5, 2000, asks the Attorney General to direct the Oregon State Board of Nursing to make available to you copies of records pertaining to the investigation by the Board of Michael Coons. Mr. Coons was a registered nurse who was subject to the jurisdiction of the Board during the period in question. ORS chapter 678. As discussed below, we respectfully deny your petition because you did not follow the procedure established by law for petitions relating to health professional regulatory boards.

If a health professional regulatory board denies a request for disclosure of any of its records that contain information concerning a licensee, the requestor may petition the Attorney General for review of the board's denial. Either on or before the petition is filed with the Attorney General, the requestor must also send a copy of the petition to the board. ORS 192.450(4). Within 48 hours, the board must send a copy of the petition to the licensee who is the subject of any records for which disclosure is sought and a notice stating that the licensee has the right to file a written response to the petition to the Attorney General. The licensee then has seven days in which to file a written response. If the licensee files a response, the Attorney General must send a copy of the response to the original petitioner. *Id.*

After this process has been followed, the Attorney General must issue an order granting or denying the petition within 15 days after receipt of the petition.

In your case, Joan Bouchard, Executive Director of the Board of Nursing, has informed us that you did not provide the Board with a copy of your petition to the Attorney General. Consequently, the licensee has not been notified of the petition or given the opportunity to respond, as required by law. For this reason, we are unable to consider the merits of your petition.

We enclose for your information and convenience copies of ORS 192.450, 676.175 and 678.126.[1/] If you still wish to petition the Attorney General for review of the board's determination, you may do so by following the procedures described in 192.450(4).

Sincerely,

DAVID SCHUMAN
Deputy Attorney General

AGS04574
Enclosure
c: Joan Bouchard, Executive Director, OSBN

[1/] Health professional regulatory boards, including the Board of Nursing, generally are prohibited by law from disclosing information they obtain as part of an investigation of any licensee. ORS 676.175(1), 678.126. However, such information may be disclosed if the requirements of ORS 676.175(2) or (3) are met.