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June 2, 1982

David J. Edstrom
Attorney at Law
1480 One Main Place
101 S.W. Main Street
Portland, Oregon 97204

Re: Public Records Petition

Dear Mr. Edstrom:

This letter constitutes the order of the Attorney General in response to your petition dated May 24, 1982, for an order allowing you to inspect public records.

You appealed, pursuant to ORS 192.450, from a denial by the Board of Medical Examiners to allow your request to inspect records relating to "[a]ll complaints from patients and others concerning Dr. James V. Meyer, Jr., M.D., and his practice of medicine, plus whatever further information may be released under the public records law."

The Board of Medical Examiners responded by sending you a copy of a voluntary limitation placed on Dr. Meyer's license to practice law under the authority of ORS 677.410.

It is the opinion of the Attorney General that the information you request, i.e. complaints of patients and others concerning Dr. Meyer's practice of medicine, is exempt from public disclosure under ORS 677.425. The Public Records Law (ORS ch 192) fails to refer to ORS 677.425. It would appear that the logical place for ORS 677.425 to have been mentioned is in the omnibus provision for exempt records in ORS 192.500(2)(h). As the Public Records Law was enacted in 1973 and the exemption afforded by ORS 677.425 was enacted in 1975, it is obvious that the absence of the latter provision in the general reference in 192.500(2)(h) was a legislative oversight.

Accordingly, your petition to inspect complaints of patients or others concerning Dr. Meyer's practice of medicine which may be contained in the records of the Board of Medical Examiners is denied.

Yours very truly,

JOHN A. REULING, Jr.
Special Counsel to the
Attorney General

JAR:tlg
cc: John J. Ulwelling
Executive Secretary
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