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September 27, 1990

Dr. Jerry Becker
Ms. Rose Marie Leonardi
Western Medical Consultants, Inc.
1445 State Street
Salem, OR 97301

Re: **Petition for Public Records Disclosure Order; Records of the Medical Review and Abuse Section, Workers' Compensation Division, Department of Insurance and Finance**

Dear Dr. Becker and Ms. Leonardi:

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. The petition, which we received on September 20, 1990, asks the Attorney General "to order the Medical Review Section of the Workers' Compensation Division of the Department of Insurance and Finance to produce a complete copy of * * * [the] application to form an MCO and the approved plan submitted by Health Masters of Oregon, Inc." For the reasons given below, we deny your petition as premature.

ORS 192.450 provides that any person "denied the right to inspect or to receive a copy of any public record of a state agency" may petition the Attorney General for an order directing the agency to permit access to the records. (Emphasis added.) In a handwritten note submitted with your petition, you acknowledged that you were told that the agency would have to review the file before determining an appropriate response to your request. That answer did not constitute a denial. Moreover, the agency has informed us that it did not even receive the records you seek until September 21: the day after we received your petition. The agency currently is reviewing the records, in consultation with this office, to determine its duties under the Public Records Law. It will respond to your request within a reasonable time, as required by the law. See Attorney General's Public Records and Meetings Manual 9 (1989).

For these reasons, your petition to this office is premature. We respectfully deny the petition on that basis.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:DKC:RDW:ros/8882G
c: Evelyn Hardin, Supervisor
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