

Opinion No. 60-155

August 31, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Jack Love Assistant District Attorney Fifth Judicial District County Court House Lovington, New Mexico

QUESTION

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1. Is the Board of Trustees of the Lea County Hospital required to comply with the provisions of § 5-6-17, N.M.S.A., 1953 Compilation (P.S.)?
2. Are records kept by the Lea County Hospital public records within the meaning of § 71-5-1, N.M.S.A., 1953 Compilation?

CONCLUSIONS

1. Yes.
2. See analysis.

OPINION

{*544} ANALYSIS

The answer to your first question is provided by Opinion of the Attorney General No. 60-122, dated June 27, 1960, wherein this office held that the Artesia Municipal Hospital Board was a governmental board within the meaning of § 5-6-17, supra. We are of the opinion that the reasoning employed in that opinion applies with equal force to the Lea County Hospital.

In answer to your second question, we are of the opinion that certain records of the Board of Trustees and of the Hospital are public records within the meaning of § 71-5-1, supra. That section reads as follows:

"Every citizen of this state has a right to inspect any public records of this state **except records pertaining to physical or mental examinations and medical treatment of persons confined to any institutions** and except as otherwise provided by law."

Using this section as the standard, we are of the opinion that all records which do not deal with physical or mental examinations or medical treatment of patients are public records. This would include payrolls, receipts and disbursements etc.

Any record which might fairly be called a record of examination of a patient or a record of medical treatment of a patient of any institution is not a public record and need not be submitted to public scrutiny.

The question of whether a record of inoculations given persons or patients are medical as above discussed is a question of fact which this office cannot determine on the basis of the information available to us.

By: Boston E. Witt

Assistant Attorney General