

OPINION
45-240

February 10, 1945 (OPINION)

RECORDS

RE: Medical - May be Inspected by Whom

This is in reply to your inquiry relative to the following situation:

A representative from the federal department of justice has asked your office for certain information in this situation. The federal department of justice has a warrant for the apprehension of several parties charged with bank robbery. It is thought that one of the parties involved had consulted a physician in this state, presumably in connection with a certain malady, which has been reported to your office. In order to locate this party, the federal department of justice is desirous of securing information as to the time and place that the party in question consulted with the physician and surgeon within this state. However, the department is not at all interested in the nature of the malady or any information, advice or consultation. The information is sought merely for the purpose of ascertaining the whereabouts of the person.

The question is whether, under the rules adopted by the public health advisory council, you would be authorized to give the desired information.

Inasmuch as the information desired is not in connection with the nature of the malady, consultation or advice given by the physician and surgeon, but merely for the purpose of aiding the department in ascertaining the whereabouts of a party charged with a federal offense, I know of no reason why the information could not be given. Such information could not be construed as requiring the party involved to testify against himself.

It is my opinion, therefore, that your department may safely give the information desired, provided, of course, that you are satisfied as to the authenticity of the credentials of the party seeking the information.

NELS G. JOHNSON

Attorney General