



STATE OF KANSAS

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May 24, 1979

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ATTORNEY GENERAL OPINION NO. 79-91

Mr. Joseph W. Snell, Executive Director
Kansas State Historical Society
120 West 10th
Topeka, Kansas

Re: Kansas Historical Society--Medical Records in
Society's Control

Synopsis: Medical records contained in the Kansas Historical
Society's collections for historical purposes
must be open to public inspection in spite of
the fact that such records are identifiable to
the patient involved.

* * *

Dear Mr. Snell:

You inquire whether medical records included in the Kansas
State Historical Society's collections for historical pur-
poses may be revealed to the public even though the identity
of the patient is evident in the records.

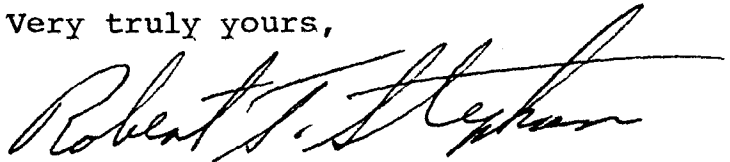
The Historical Society, by K.S.A. 75-2702, is given the express
duty "to collect by gift, exchange or purchase . . . manu-
scripts and other papers and material illustrative of the
history of Kansas in particular, and the west generally; to
catalogue collections of said society for the more convenient
reference of all persons who may have occasion to consult
the same."

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Medical records included in the Society's collections for historical purposes must therefore also be catalogued by the Society "for the more convenient reference of all persons who may have occasion to consult the same." (Emphasis added.) This, in our opinion, evinces a clear legislative intent to make all the documents in the Society's collections available for public inspection. Such an intent is even more clearly reflected in K.S.A. 75-2707, which requires the Society "to make readily available for public use the manuscripts, books and papers so surrendered."

We are aware of no provision of law which would preclude the Society from complying with its statutory mandate, nor do we believe that a cause of action would accrue against the Society for the disclosure of medical patient records donated to the state historical collections. We are of the opinion, therefore, that the disclosure of medical records comprising a part of the Society's collections is not only proper, but required, by the clear legislative intent that the public be granted access to the collections of the Society.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Bradley J. Smoot
Deputy Attorney General

RTS:BJS:gk