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1. TUBERCULOSIS CLINIC — AN INSTITUTION OR STATION UNDER CONTROL BOARD OF COUNTY COMMISSIONERS — USE, EXAMINATION, DIAGNOSIS AND EXPERT ADVICE OR TREATMENT — SECTION 3139-19 G.C.

2. COUNTY COMMISSIONERS OF COUNTIES WHICH DO NOT OPERATE COUNTY TUBERCULOSIS HOSPITALS OR DO NOT MAINTAIN DISTRICT TUBERCULOSIS CLINICS — MAY LAWFULLY EMPLOY PUBLIC HEALTH NURSES FOR PREVENTION, CURE, TREATMENT OF TUBERCULOSIS.

SYLLABUS:

1. A tuberculosis clinic, as that term is used in Section 3139-19, General Code, may be defined as an institution or station under the control of the board of county commissioners where persons suspected of having or suffering from tuberculosis may come for examination, diagnosis and expert advice or treatment.

2. County commissioners of counties which do not operate county tuberculosis hospitals, or which are not part of a district in which tuberculosis clinics are maintained, may lawfully employ public health nurses for the prevention, cure and treatment of tuberculosis, regardless of whether tuberculosis clinics are established and maintained by such county commissioners.

Columbus, Ohio, July 11, 1942.

R. H. Markwith, M. D., Director of Health,
Columbus, Ohio.

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

“The Department of Health has been asked if the board of county commissioners, under authority of Section 3139-19 of the General Code, is authorized to employ one or more public health nurses for tuberculosis work where a clinic has not been established and maintained.

Section 3163-1, which was repealed in the passage of H. B. 59, 94th General Assembly, contained this provision: ‘The county commissioners may appoint one or more instructing and visiting nurses who may visit any home or place in the county wherein there is a case of tuberculosis, but such appointments

shall be subject to the approval of the state department of health.' There is no similar provision in the tuberculosis hospital law now in effect, Sections 3139 to 3139-22, General Code. Section 3139-19 of the present law gives to the board of county commissioners of a county that does not maintain a county tuberculosis hospital or is not connected with a district tuberculosis hospital the authority to 'establish and maintain one or more tuberculosis clinics in the county and may employ physicians, public health nurses and other persons for the operation of such clinics or other means provided for the prevention, cure and treatment of tuberculosis.'

My conception of a 'tuberculosis clinic' is an established place where persons suspected of having or suffering from tuberculosis may come for examination, diagnosis and advice. The personnel required for the operation of such a clinic is as stated above; that is, a physician, public health nurse, clerk, and other personnel.

We shall be glad to have your opinion — (1) What, in your judgment constitutes a 'tuberculosis clinic,' as that term is used in Section 3139-19 of the General Code? (2) Has the county commissioners of a county not maintaining a county tuberculosis hospital or associated in the operation of a district tuberculosis hospital the authority to employ a public health nurse for tuberculosis work without first having established a clinic?"

Section 3139-19, General Code, referred to in your inquiry, provides:

"In such counties as do not operate a county hospital for tuberculosis, or in such counties as have joined in the construction of a district tuberculosis hospital and in which district the joint board of county commissioners shall fail or refuse to maintain tuberculosis clinics as provided in section 17 (G.C. No. 3139-16) of this act, the county commissioners of any such county may establish and maintain one or more tuberculosis clinics in the county and may employ physicians, public health nurses and other persons for the operation of such clinics or other means provided for the prevention, cure and treatment of tuberculosis and may provide by tax levies, or otherwise, the necessary funds for their establishment, maintenance, and operation. Clinics so established shall be under the control of the board of county commissioners and shall be supervised by a board of three trustees similar in all respects to and with all the powers enjoyed by a board of trustees of a county tuberculosis hospital; or by a city or general district board of health within the county as the board of county commissioners may designate."

The term "tuberculosis clinic" is not defined by statute. In common acceptance, however, the meaning to be given thereto is essentially the same as that which is set forth in your request.

In Webster's New International Dictionary, Second Edition, the word "clinic" is defined in the following manner:

"An institution or station, often connected with a hospital or medical school, for the examination and treatment of out patients."

"An institution, usually connected with a school, court, or settlement, in which concrete cases or problems of a special type are studied, and expert advice or treatment given as, a vocational, child-guidance, or psychiatric clinic."

Applying the foregoing definitions, it would follow that a tuberculosis clinic, as that term is used in Section 3139-19, supra, may be defined as an institution or station under the control of the board of county commissioners where persons suspected of having or suffering from tuberculosis may come for examination, diagnosis and expert advice or treatment.

It will be noted from the above quoted section of the General Code that county commissioners may establish one or more tuberculosis clinics and may employ public health nurses for the operation of such clinics or other means provided for the prevention, cure and treatment of tuberculosis. This authority resting in the hands of the county commissioners is alternative. The commissioners may establish a tuberculosis clinic and employ public health nurses for the operation of such clinic or they may establish other means for the prevention, cure and treatment of tuberculosis.

The establishment of other means clearly encompasses the authority to employ public health nurses, other than for the operation of tuberculosis clinics, so long as such employment is for the prevention, cure and treatment of tuberculosis.

In specific answer to your inquiry, therefore, it is my opinion that:

1. A tuberculosis clinic, as that term is used in Section 3139-19, General Code, may be defined as an institution or station under the control of the board of county commissioners where persons suspected of having or suffering from tuberculosis may come for examination, diagnosis and expert advice or treatment.

2. County commissioners of counties which do not operate county

tuberculosis hospitals, or which are not part of a district in which tuberculosis clinics are maintained, may lawfully employ public health nurses for the prevention, cure and treatment of tuberculosis, regardless of whether tuberculosis clinics are established and maintained by such county commissioners.

Respectfully,

THOMAS J. HERBERT
Attorney General.