

3605.

HOSPITAL EXPENSES—RELIEF GIVEN INDIGENT PERSON IN ANOTHER STATE—CHARGEABLE TO THE COUNTY OF RESIDENCE.

SYLLABUS:

*Upon compliance with the provisions of section 3484-2, General Code, hospital and medical expenses for services rendered by a township in the treatment of an indigent person resident of another county are charges upon such county, and the fact that such hospital or medical services were furnished by a doctor or hospital located in another state does not bar recovery by the township rendering such services from the county of the residence of the indigent person to whom such services were rendered.*

COLUMBUS, OHIO, September 26, 1931.

HON. RALPH G. SEVER, *Prosecuting Attorney, Eaton, Ohio.*

DEAR SIR:—This will acknowledge your recent request for my opinion, which reads as follows:

“Mr. H. B. M., township clerk of Jefferson township, of this county, together with Mr. H., one of the township trustees, are now in my office relative to a claim of \$109.50, which they have against Hamilton, Ohio, authorities for medical services and hospital services of M. C., infant daughter of J. C., who had moved from Hamilton, Ohio, to Jefferson Township, this county, about three weeks prior to the rendering of said medical services for hospital treatment.

It seems that J. C., and his family, moved to Jefferson township and consulted Doctor H., of New Paris, Ohio, relative to the condition of their little daughter, M. C., and the doctor, realizing that they were residents of Butler county, tried to get them to remove to their former home, but the doctor was informed that they were unable to move because they were practically penniless. Doctor H. then took the matter up with the Jefferson township trustees and informed them that if the child, M. C., was not immediately removed to the hospital, she would probably die and advised sending her to a hospital at Richmond, Indiana, just seven miles west of New Paris, Ohio, because in his opinion she would not survive a trip to Hamilton. The trustees accordingly made arrangements with the hospital at Richmond, Indiana, for said operation. \* \* \* Jefferson township has no hospital facilities, neither does any village in Preble county, and practically all hospital cases in Jefferson township are taken over the line to Richmond, Indiana. \* \* \*

I would appreciate your early attention to the above and any advice you may be able to give.”

I assume for the purpose of this inquiry that M. C. and J. C. were legal residents of Hamilton, Butler County, Ohio.

Section 3484-2, General Code, reads as follows:

“When a person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a

county other than the one in which such service is rendered, and is unable to pay the expenses of such service, and such service is rendered by a municipality or township, the municipality or township rendering such service shall notify in writing the county commissioners of the county of legal settlement that such service is being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service, or admission to such hospital, or within three days after the discovery of such fact, if the same be not disclosed as above. Within twenty days after the discharge of the last service, the municipality or township rendering such service shall send a notice thereof, and a sworn statement of its expenses, at the established rate of the municipality or township therefor, to the county commissioners of the county of legal settlement. Thereupon the county of legal settlement shall be liable to the municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the municipality or township therefor, and shall pay for the same within thirty days after date of the sworn statement of expenses. If the notice of the rendering of such service, required to be sent by the municipality or township rendering the same, be not sent within three days after the disclosure by such person, or the discovery of such non-residence, the county of legal settlement shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal or assumption of care of such person by the county of legal settlement, at its expense, but such removal or assumption shall not relieve such county of liability for the expenses theretofore incurred by the municipality or township rendering such service. Any such person who does not, upon discharge from such hospital, or upon the rendering of the last service, pay the expenses of such service, at the established rate therefor, shall, for the purpose of this act, be deemed indigent in so far as the municipality or township rendering such service is concerned. The county of legal settlement is hereby subrogated to all the rights of the municipality or township rendering such service to such person."

From a consideration of the above section, it should be noted that there is nothing contained therein which requires that the medical services or hospital services mentioned must be furnished by a doctor or hospital located within the state of Ohio. A reasonable interpretation of this section would require that such medical services, or such services of a hospital, be furnished by a doctor or hospital situate near the person to be treated, and it would be unreasonable to incur a greater expense in transporting such patient to a doctor or hospital located at a greater distance, if a suitable doctor or hospital is near at hand and available. But in the instant case, where there was urgent need for immediate hospitalization and medical attention, and especially in view of the fact that there were no hospital facilities within the township, and it appearing that the nearest hospital was the one to which the child was sent, I believe that the expenses of hospitalization in a hospital located outside of the state may in the instant case be paid by the trustees of the township and certified to the county of the residence of such person, as provided in section 3484-2, General Code.

This conclusion is strengthened by a consideration of an opinion found in Opinions of the Attorney General for 1927, at page 364, in which the provisions of section 2950, General Code, relative to soldiers' burials, were considered. In

that opinion it was pointed out that section 2950 required, among other things, that "such burials may be made within any cemetery or burial ground *within the state* other than those used exclusively for the burial of paupers and criminals." The opinion stated:

"It is believed that the burial place is only incidental to the main question and that it is directory in the statute only."

As before stated, it should be noted that section 3480 contains no restrictions as to where the medical or hospital services authorized therein may be furnished.

In view of the foregoing, since there is no language in the section under consideration which requires hospitalization and medical attention to be furnished by hospitals or doctors resident or located within the state of Ohio, and keeping in mind the fact that the main purpose of this section is the rendering of medical or hospital attention to indigent persons, I am of the opinion that upon compliance with the provisions of section 3484-2, hospital and medical expenses for services rendered by a township in the treatment of an indigent person resident of another county are charges upon such county, and the fact that such hospital or medical services were furnished by a doctor or hospital located in another state does not bar recovery by the township rendering such services from the county of the residence of the indigent person to whom such services were rendered.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

3606.

APPROVAL, AGREEMENTS FOR ROAD IMPROVEMENT IN HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, September 26, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

3607.

APPROVAL, BONDS OF LIBERTY TOWNSHIP RURAL SCHOOL DISTRICT, WOOD COUNTY, OHIO—\$32,000.00.

COLUMBUS, OHIO, September 26, 1931.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*