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INDIGENT PERSON IN TOWNSHIP—SUFFERING FROM CONTAGIOUS DISEASE AND IN NEED OF HOSPITAL CARE—FACILITIES TO TREAT SUCH DISEASE NOT AVAILABLE IN COUNTY WHERE TOWNSHIP IS LOCATED—DUTY OF TOWNSHIP TRUSTEES TO CONTRACT WITH HOSPITAL OUTSIDE OF COUNTY FOR SUCH HOSPITAL CARE AND TO PAY UNDER PROVISIONS OF SECTION 3480, G. C.

SYLLABUS:

Where an indigent person in a township is found to be suffering from a contagious disease and is in need of hospital care, and hospital facilities for the treatment of the disease from which such person is suffering are not available in the county where such township is located, it is the duty of the township trustees to contract with a hospital outside of the county for such hospital care and to pay for the same in accordance with the terms of Section 3480 General Code.

Columbus, Ohio, October 31, 1945

Hon. Carl Abaecherli, Prosecuting Attorney
Lebanon, Ohio

Dear Sir:

Your request for my opinion contains the following statement of facts:

“A citizen of one of the townships of this county, concerning whom there is no question of his legal settlement in the township and county under the Ohio statutes, has contracted a very severe

case of syphilis which has afflicted him to such an extent that he is unable to work and take care of himself. He has no family or relatives who are able to take care of him and is living alone and on account of the infectious nature of his disease, he is a menace to public health.

Under Section 4436 of the General Code, no doubt the house in which this man is living alone could be quarantined by our County Health Commissioner, but he is of the opinion that such a procedure would not be sufficient, since this man is in urgent need of care and attention.

There is only one private hospital in this county, and that hospital does not have the facilities to handle a case of this kind, so the patient would have to be hospitalized outside the county."

With regard to these facts, you have asked certain questions, as follows:

1. Does Section 3480, General Code, place upon the township trustees of the township wherein the individual in question has a legal settlement, upon proper notification, the duty and authority of paying for the hospital care of a person having a contagious disease?
2. Must any special procedure be followed by the attending physician, the county health commissioner, or the sanitation officer for the local health district in sending or committing the individual to a hospital outside the county?

Section 3480, General Code, referred to in your inquiry, reads as follows:

"When a person in a township or municipal corporation requires public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made by a person having knowledge of the fact to the township trustees, or proper municipal officer. If medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to such poor, the physician called or attending shall immediately notify such trustees or officer, in writing, that he is attending such person, and thereupon the township or municipal corporation shall be liable for relief and services thereafter rendered such person. If such services consist of hospital care rendered such person, such hospital shall be paid such amount as may be agreed upon by such trustees or proper officers and such hospital, or if no such agreement is made, then such hospital shall be paid the established ward rate for such care in such hospital. If

such notice be not given within three days after such relief is afforded or services begin, the township or municipal corporation shall be liable only for relief or services rendered after notice has been given. Such trustees or officer, at any time may order the discontinuance of such services, and shall not be liable for services or relief thereafter rendered."

The above section, together with Sections 3480-1 and 3484-2, the latter two of which deal with the rendition of medical services and hospital care to persons suffering from diseases which are not contagious, was under consideration in an opinion rendered by my immediate predecessor on July 8, 1942 (Opinions of the Attorney General, 1942, page 461.) In said opinion it was pointed out that it is the duty of the townships and cities to furnish hospital care to indigents and that since such duty exists, the authority to order such indigents in for hospital treatment would necessarily be implied. It would therefore seem to follow that a municipality or township could lawfully contract with a hospital in another municipality, county or township to furnish necessary hospital care.

While Section 3480, General Code, as it existed on the date of the rendition of the above opinion did not in terms specifically refer to hospital care, it was regarded therein as being sufficiently broad in language to include hospitalization. It will be noted that said section since the date of such opinion was amended, effective September 16, 1943, by adding thereto the following provision:

"If such services consist of hospital care rendered such person, such hospital shall be paid such amount as may be agreed upon by such trustees or proper officers and such hospital, or if no such agreement is made, then such hospital shall be paid the established ward rate for such care in such hospital."

In view of this there can no longer be any doubt as to the application of said section to cases requiring hospitalization and since said section is not limited to cases other than contagious diseases, it would appear that it is the duty of the municipality or township to furnish hospital care to an indigent found therein who is in need thereof, regardless of the legal settlement of such indigent and regardless of whether such indigent is suffering from a contagious disease.

With regard to your second question, I find no special statutes setting forth specific procedure to be followed by the attending physician, the

county health commissioner or the sanitation officer for the local health district in sending or committing the individual to a hospital outside the county.

In specific answer to your question, it is my opinion that where an indigent person in a township is found to be suffering from a contagious disease and is in need of hospital care, and hospital facilities for the treatment of the disease from which such person is suffering are not available in the county where such township is located, it is the duty of the township trustees to contract with a hospital outside of the county for such hospital care and to pay for the same in accordance with the terms of Section 3480, General Code.

Respectfully,

HUGH S. JENKINS

Attorney General