

This opinion is applicable in its reasoning to persons who have their legal settlement within the city when such persons are unable to afford the cost of tuberculosis hospital care and in such case the county commissioners, in my opinion, should pay the hospital expenses, and not the city.

In view of my answer to your second inquiry, I briefly answer your third question by stating that it is my opinion that where the county commissioners have contracted with a city for the care of tubercular patients on the basis of actual cost at the city tuberculosis hospital, the county is liable for the expenses of caring for all tubercular patients having a residence within the county who are unable to afford the expense of such care, even though such persons are not actually paupers and the question of whether or not a patient is able to pay is a question of fact depending upon the particular circumstances in each case. It is not necessary to certify such persons as indigent poor and their ability to pay should be determined by the county commissioners.

Your fourth question concerns an interpretation of Section 3148-1, General Code, which provides in part:

"Any municipality within said county at present maintaining and operating a hospital for the treatment of tuberculosis may continue to maintain said hospital as a municipal hospital, or may lease or sell the same to the county."

In my opinion, the statute is permissive and former city tuberculosis hospitals were permitted to continue as municipal tuberculosis hospitals, although it is not made mandatory that they should be maintained as hospitals for the treatment of tuberculosis.

Summarizing, it is my opinion that:

1. By virtue of Section 3143, General Code, tubercular persons who cannot afford hospital expenses are entitled to hospital care at the expense of the county at the hospital facilities provided for by the county commissioners when such persons are residents of the county even though such residents have a legal settlement within a city in the county.

2. Section 3148-1, General Code, is permissive and former city hospitals for tuberculosis were permitted to continue as hospitals for the treatment of tuberculosis although it was not made mandatory that they continue as such.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2532.

APPROVAL, NOTES OF RUSH TOWNSHIP RURAL SCHOOL DISTRICT,
TUSCARAWAS COUNTY, OHIO—\$1,964.00.

COLUMBUS, OHIO, April 19, 1934.

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