

Therefore, I am of the opinion that there can be no division of indebtedness between the rural district and the Ravenna city school district.

With reference to your second question concerning the distribution of the August settlement of taxes, attention is directed to section 7600 G. C. wherein it is provided that:

“ * * * The school tax levied by boards of education and collected from the several districts * * * in the county shall be paid to the districts from which it was collected.”

It is believed that in view of the fact that the annexation of the territory into the city of Ravenna did not become final until the tenth day of May, 1926, and the further fact that the taxes in question had already been levied by the authority of the Ravenna township rural school district, and have probably already been appropriated and encumbered, should therefore be paid to said district.

Respectfully,

C. C. CRABBE,

Attorney-Gen. ral.

3758.

**EXPENSES OF QUARANTINE WHEN PATIENT IS UNABLE TO PAY—
PAID BY TOWNSHIP OR MUNICIPALITY IN WHICH QUARANTINE
IS MAINTAINED.**

SYLLABUS:

1. *The expenses of quarantine required to be paid under section 4436 when the patient is unable to pay, are to be paid by the township or municipality in which the quarantine is maintained.*
2. *In non-contagious cases a hospital may recover for necessary hospital care, rendered to one requiring public relief, from the township or municipality in which the patient resides when the provision in section 3480 in reference to notice, etc., has been complied with.*
3. *The county authorities may compensate a city hospital for relief furnished to a needy resident of another county and in turn collect from the county in which said patient resides.*

COLUMBUS, OHIO, October 28, 1926.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of your request for my opinion as follows:

“1. (a) Can a City Hospital, which furnishes or has furnished relief to one suffering from a *contagious* disease, who requires relief and is unable to pay for the same, recover, under section 4436 or any other section or sections of the General Code of Ohio, from a municipality or township within the *same* county, when the patient relieved is a legal resident of such last named municipality or township?

(b) If so, what is the necessary and proper procedure for such hospital to follow?

2. (a) Can a City Hospital recover, under section 3480 or any other section or sections of the General Code of Ohio, in the above situation, when the patient relieved is suffering from an *accident* or *non-contagious* disease?

(b) If so, what is the necessary and proper procedure for such hospital to follow?

3. (a) Can a City Hospital which furnishes or has furnished relief to one suffering from an *accident* or *non-contagious* disease, who requires relief and is unable to pay for the same, recover, under sections 3482 to 3484 or any other section or sections of the General Code of Ohio, from the county of legal settlement of such person when such county is not the one in which the hospital is located?

(b) If so, what is the necessary and proper procedure for such hospital to follow?"

Section 4436 G. C. to which you refer in the first branch of your first interrogatory, provides:

"When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel and all other necessities of life, including medical attendance, medicine and nurses when necessary. The expenses so incurred, except those for disinfection, quarantine or other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the municipality or townships in which quarantined."

It would appear from this section that in the first instance the expense of such a quarantine, saving the exceptions mentioned therein, are to be paid by the person quarantined when able to pay. When such person is unable to pay such expenses, when properly certified they are to be paid by "the municipality or township" in which the quarantine is maintained. It would therefore appear that there is no authority to require the payment of such expenses by a municipality other than the one in which such a patient is quarantined, irrespective of the residence of the patient.

It is believed that the foregoing will render it unnecessary to consider the second branch of your first question.

Section 3480 G. C. to which reference is made in your second question, provides:

"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 facts 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, in such amount as such trustees or proper officers determine to be just and reasonable. 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."

While this section relates primarily to the services of a physician or surgeon, I am inclined to the view that it is broad enough to include the necessary incidental hospital care, and if the proper notice is given as required by the section, a recovery may be had if it is essential to the well being of the patient that he be removed to a hospital outside of the municipal corporation or township in which he resides. It has been held, however, that a physician under this section can recover against the township only "such sum as the trustees deem just and reasonable." *Trustees v. Houston*, 2 C. C. 14. It is probable that the same rule would apply to the recovery from a municipality.

In reply to the second branch of the second inquiry as to the method of procedure, you are advised that the notice set forth in section 3480 must be complied with. It will be noted in this connection that after such notice, the officers may discontinue such services, and shall not be liable after such action.

Sections 3482 and 3483 to which you refer in the first branch of your third inquiry, provide:

"Sec. 3482. When it has been so ascertained that a person requiring relief has a legal settlement in some other county of the state, such trustees or officers shall immediately notify the infirmary superintendent of the county in which the person is found, who, if his health permits, shall immediately remove the person to the infirmary of the county of his legal settlement. If such person refuses to be moved, on the complaint being made by the infirmary superintendent, the probate judge of the county in which the person is found shall issue a warrant for such removal, and the county wherein the legal settlement of the person is, shall pay all expenses of such removal and the necessary charges for relief and in case of death the expense of burial if a written notice is given the county commissioners thereof within twenty days after such legal settlement has been ascertained."

"Sec. 3483. Upon refusal or failure to pay such expenses, such board of county commissioners may be compelled so to do by a civil action against them by the board of county commissioners of the county from which such person is removed, in the court of common pleas of the county to which such removal is made. If such notice is not given within twenty days after such board of county commissioners ascertain such person's residence, and within ninety days after such relief has been afforded, the board of county commissioners where such person belongs shall not be liable for charges or expenditures accruing prior to such notice."

Under these sections it is believed that outside relief may be given by the county officials in which the party is found in need of such relief. The county under such circumstances could reimburse the City Hospital for the reasonable value of the necessary relief rendered, and in turn can collect from the county of which the patient is a resident.

In a brief reply to your further inquiry as to the procedure to be followed, it is believed that upon receiving such a patient, the hospital authorities should get in touch with the infirmary superintendent in the county in which the relief is granted, who should be able to advise as to the necessary steps to be taken.

Respectfully,

C. C. CRABBE,

Attorney-General.