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HOSPITALIZATION — INDIGENT PERSON PERMANENTLY  
DISABLED—EXPENSE—MUST BE BORNE BY COUNTY IN  
WHICH INDIGENT PERSON HAS LEGAL RESIDENCE.

SYLLABUS:

The expense of hospitalization of an indigent person who is permanently disabled must be borne by the county in which said person has a legal residence.

Columbus, Ohio, April 4, 1946

Hon. Peter Catri, Prosecuting Attorney  
Sandusky, Ohio

Dear Sir:

This will acknowledge receipt of your communication which reads as follows:

“May I have your opinion on the following matter?

Mrs. C., a resident of the City of Sandusky, has been ill for some time. About three months ago she was confined to a local private hospital and the doctors advise that she is permanently disabled.

The City of Sandusky assumed the expense of this hospitalization for the first two months and thereafter refuse to pay any further expenses, claiming that since Mrs. C. is now a permanent case she is properly a County charge, in accordance with General Code Section 3476.

The State Department of Public Welfare have advised our County Welfare Department that the cost of this hospitalization should be defrayed by the sub-division of which Mrs. C. is a resident, and they will not approve it as a county charge.

General Code Section 3476 provides in part as follows:

‘Relief to be granted by the County shall be given to those persons who do not have the necessary residence requirements and to those who are permanently disabled, or who have become paupers, and to such other persons whose peculiar condition is such that they cannot be satisfactorily cared for except at the County Infirmary or under county control.’

There is no question in this case but what Mrs. C. was a resident of the City of Sandusky; that she is now permanently disabled and requires hospitalization.

The writer is of the opinion that Mrs. C. is a County charge. The city has refused to assume the expense of her hospitalization any further and the State Welfare Department claims that she is not a county charge. I believe that the only reason they make such a claim is because of the fact that she is confined to a private hospital. Will you therefore be kind enough to give us an opinion in this matter?"

You have quoted a portion of Section 3476, General Code, in your letter. The sentence immediately preceding the one you have quoted reads as follows:

"\* \* \* It is the intent of this act that townships and cities shall furnish relief in their homes to all persons needing temporary or partial relief who are residents of the state, county and township or city as described in Sections 3477 and 3479.  
\* \* \*"

Section 3476 has been in effect for a great number of years (108 O. L. Pt. I, page 266), and it has long been the understanding that it and related sections were broad enough to impose liability and establish the duty upon cities and townships to furnish relief, including emergency hospitalization, to all residents of the state, county, township or city who needed temporary relief and to all such residents who permanently needed partial relief; and to impose the duty upon the county to furnish relief, including hospitalization, to persons who do not have the necessary residence requirements prescribed by Sections 3477 and 3479, General Code, to persons who have become paupers and to other persons whose peculiar condition is such that they cannot be satisfactorily cared for except at the county infirmary or, under county control. See Opinions of the Attorney General for 1927, Vol. 2, page 1106 and Opinions of the Attorney General for 1934, Vol. 2, page 1011.

However, in order to properly ascertain the present effect of Section 3476, General Code, it is necessary to take into consideration other statutes upon the same subject. All statutes in *pari materia* are to be construed together whether adopted by the same or different legislatures.

“The Administration of Poor Relief Act” was adopted effective June 6, 1939 and was codified as Section 339I, et seq., General Code. Section 339I contains the definition of “poor relief” as follows:

“‘Poor relief’ means food, clothing, shelter and other commodities and services necessary for subsistence, or the means of securing such commodities and services, furnished at public expense to persons in their homes, or, in the case of homeless persons, in lodging houses or other suitable quarters. Payments for shelter shall not exceed the average rental for comparable types of shelter in the area in which such shelter is provided. Average rentals shall be determined by local relief authorities subject to the approval of the state director. Poor relief may take the form of ‘work relief,’ ‘direct relief’ or ‘medical care’ as herein defined. \* \* \*”

“Medical care” means:

“‘Medical care’ means medicines and the services, wherever rendered, of a physician or surgeon, or the emergency services of a dentist, furnished at public expense.”

It will be noted that hospitalization expenses are not included within the term “poor relief” as defined in the section just quoted. Therefore, it is apparent that the feature of poor relief respecting hospitalization expenses of indigents was not amended or repealed by The Administration of Poor Relief Act, and there appears in said sections no indication whatever that said enactment was intended to operate upon this particular feature of poor relief. See *Mansfield General Hospital v. Swank*, 72 O. App. 10. On the contrary we find in subsection 8 of Section 539I-2, General Code, the following guide to interpretation:

“8. Except as modified by the provisions of this act, Section 3476 and other sections of the General Code of like purport shall remain in full force and effect and nothing in this act shall be construed as altering, amending, or repealing the provisions of Section 3476 of the General Code, relative to the obligation of the county to provide or grant relief to those persons who do not have the necessary residence requirements and to those who are permanently disabled or have become paupers and to such other persons whose peculiar condition is such that they cannot be satisfactorily cared for except at the county infirmary or under county control.”

I find no other statutes pertinent to your inquiry, and I am, therefore, of the opinion that there has been no change in the duty and liability of the townships or cities to furnish emergency hospitalization to indigents within the purview of Section 3476, General Code; nor has there been any change in the duty and liability of the county to assume the expense of hospitalization for a permanently disabled indigent.

Therefore, you are advised that in my opinion it is the obligation of the county, under the provisions of Section 3476, General Code, to assume the expense of the hospitalization of Mrs. C., a permanently disabled indigent.

Respectfully,

HUGH S. JENKINS,  
Attorney General