

3826.

COUNTY COMMISSIONERS MAY ALLOW CLAIMS MADE UNDER PROVISIONS OF SECTION 5851 G. C.

SYLLABUS:

Under section 5851 of the General Code the county commissioners may allow claims presented in instances where the person making this claim has been exposed to inoculation by reason of coming in contact with a dog, cat or other animal afflicted with rabies.

COLUMBUS, OHIO, November 19, 1926.

HON. EDWARD C. STANTON, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—I am in receipt of your communication as follows:

"Section 5851 G. C. provides that when a person is bitten or injured by a dog, cat or other animal afflicted with rabies, their medical and surgical treatment within the limits of \$500.00 may be a county charge.

There were a number of people bitten, scratched by or 'exposed' to a dog with rabies.

The physician who renders his assigned claim for persons thus exposed insists that good medical judgment prompted Pasteur Treatment in each case, the 'exposure' consisting in most instances in children coming in contact with a dog which had rabies, with its attendant danger of inoculation by means of saliva of the dog getting into their body through cuts or scratches upon their body.

The question is, can county commissioners pay the medical expenses in such cases?"

Section 5851 of the General Code in part provides as follows:

"A person bitten or injured by a dog, cat or other animal, afflicted with rabies, if such injury has caused him to employ medical or surgical treatment or required the expenditure of money, * * * may present an itemized account of the expenses incurred and amount paid by him for medical and surgical attendance, verified by his own affidavit or that of his personal physician; * * *."

The use of the words in this section "bitten or injured by a dog, cat or other animal afflicted with rabies" would indicate that the injury could occur from other than a bite by such animal.

The purpose of this section is to make available Pasteur or other similar treatment to persons who would otherwise be financially unable to secure such treatment. As such treatment must be given immediately after being subject to inoculation for rabies and as it is impossible to tell for some time afterwards whether a person is inoculated with the germs of such diseases, it is apparent in cases where there may be inoculation by reason of exposure that the same should be treated the same as for persons bitten or scratched by an animal afflicted with rabies.

A person may thereby be injured by an animal afflicted with rabies without being bitten or scratched. The fact that by use of the Pasteur treatment no injury is thereafter apparent, would not in itself take such cases without the statute.

You are therefore advised that county commissioners may under section 5851 of the General Code, allow claims presented in instances where the person making such claim has been exposed to inoculation by reason of coming in contact with a dog, cat or other animal afflicted with rabies.

Respectfully,

C. C. CRABBE,
Attorney General.

3827.

COUNTY COMMISSIONERS MAY CONTRACT WITH CITY FOR CARE AND TREATMENT OF RESIDENTS OF COUNTY SUFFERING FROM TUBERCULOSIS.

SYLLABUS:

Under section 3143 of the General Code the commissioners of a county may contract with a city, maintaining a hospital for tuberculosis, for the care and treatment of the inmates of the county infirmary or other residents of the county who are suffering from tuberculosis other than pulmonary.

COLUMBUS, OHIO, November 19, 1926.

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

GENTLEMEN:—Acknowledgment is made of your communication requesting my opinion as follows:

“Section 3143 of the General Code authorizes the commissioners of a county to contract with the authorities of a city maintaining a hospital for tuberculosis for the care and treatment of the inmates of the county infirmary or other residents of the county who are suffering from tuberculosis.

Question: Does this section authorize a contract for the care and treatment of persons suffering from tuberculosis other than pulmonary tuberculosis, commonly known as consumption, as indicated in section 3139 of the General Code?

We call your attention to the fact that prior to the amendment of section 3143 in 107 Ohio Laws at page 495, the words used were ‘pulmonary tuberculosis,’ while in the amendment the word ‘pulmonary’ was eliminated.”

Well known rules of statutory construction are to the effect that the legislature must have intended some meaning to be attached to every word used in the enactment of law. The converse of this proposition must also be true. That is, when words have heretofore been used in a given statute and the same amended, specific words therein omitted must have had some special significance in the minds of the legislature.

As suggested by you, section 3143 contained the expression “pulmonary tuberculosis” before amendment. However, in the amendment, as suggested by you, the word “pulmonary” was eliminated, leaving the broad term “tuberculosis.” While section 3139 still contains the expression “pulmonary tuberculosis” with reference to those who may not be kept in a county infirmary, it is believed that this fact should not alter the construction of section 3143. It is probable that at the time of the enactment of section 3139 the other kinds of tuberculosis were not so much known to medical science, as at the time of the amendment.

It, further, is probably true that pulmonary tuberculosis is the worst form of