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## SYLLABUS:

Where under Chapter 4515., Revised Code, a hospital, on claim properly presented, has been reimbursed by the state for the cost of care given an indigent person who has suffered a motor vehicle injury, Section 4515.10, Revised Code, requires the hospital to take action to recover the full amount of the claim from said person, or any other person charged with his care and support, when it appears to the managing officer of the hospital or to the registrar of motor vehicles that said person or other person is able to pay said full amount; but the hospital is not authorized to accept less than the amount of the claim in full payment thereof unless the lesser amount is that realized by court action and all legal remedies have been exhausted.

Columbus, Ohio, August 31, 1962

Hon. Grant Keys, Director, Department of Highway Safety  
Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“What is the position of the State of Ohio in the event that a patient, who has received hospital care in compliance with Revised Code, Section 4515.03 to 4515.11 in the amount of \$1,203.50, now demands a “paid in full” receipt upon payment of \$300.00?”

“Upon refusal of the hospital to give a ‘paid in full’ receipt the patient will not make any payment, with the result that the hospital cannot reimburse the State of Ohio any portion of the \$1,203.50 paid to the hospital.”

Sections 4515.03 to 4515.11, Revised Code, contain the procedure by which a non-profit hospital may be reimbursed by the state for care given to an indigent person who has suffered a motor vehicle injury. Section 4515.06, Revised Code, provides for the filing of a claim by the

hospital with the registrar of motor vehicles. Section 4515.08, Revised Code, authorizes the registrar, if he deems it proper under the law, to pay the claimant from funds appropriated for that purpose. Section 4515.10, Revised Code, pertinent in the instant question, provides :

“When the managing officer of a hospital which has received payment of a claim under section 4515.08 of the Revised Code, learns that the patient in respect of whom such claim has been paid, or any other person chargeable by law with his care and support, has paid or is able to pay the amount thereof, such managing officer shall notify the registrar of motor vehicles. Whenever the registrar otherwise learns of facts showing that a patient in respect of whom payment has been made, or any other person chargeable by law with the care and support of such patient, has paid, or is able to pay, the amount of such claim, the registrar shall notify the hospital which has received such payment, by a letter addressed to the managing officer thereof, giving a brief statement of such facts and specifying the amount of such paid claim, the date of its prior payment, and the name of the person from whom it may be recovered.

“Within one month after such managing officer has notified the registrar, or such hospital has been notified by the registrar, such hospital shall, unless the amount specified in such notice has been fully paid by the patient, collect such amount of the balance thereof from such patient or other person chargeable by law with his care or support ; in default of such collection, the hospital shall file an action against such patient or other person chargeable by law with such patient’s care and support for the recovery of the sum specified or the unpaid balance thereof. Such hospital shall advise the registrar as to the collection of such amount, or as to the filing of such action and the proceedings therein. If recovery of judgment is had, and if the amount of such judgment is not realized, the hospital shall notify the registrar that all legal remedies for the satisfaction of such judgment have been exhausted.

“When notice has been given as required by this section, the registrar shall deduct the amount of the prior payment made by him to the hospital affected thereby from any payments to be made to such hospital under section 4515.08 of the Revised Code on or after two months from the date of such notice, unless such hospital has advised the registrar as provided in this section that an action has been filed for the recovery of such amount from the patient or other person chargeable by law with such patient’s care and support, that such action has not been finally determined, and that there is reasonable ground for delay ; or unless such hospital has advised the registrar that such action has been prosecuted to final judgment, and that all legal remedies for the satisfaction

of such judgment have been exhausted without realizing the amount thereof.”

Under Section 4515.10, *supra*, the action by the hospital to collect the amount of the paid claim is commenced after either the managing officer of the hospital or the registrar has learned of facts showing that the patient, or any other person chargeable by law with the care and support of such patient, is able to pay the amount of the claim. In view of the use of the words “the amount thereof,” referring to the claim that was paid, and the words “the amount of such claim,” the notification made by the managing officer of the hospital or the registrar under that section is made only when it appears that the patient, or person responsible for the patient, is able to pay the *full amount* of the claim.

Section 4515.10, *supra*, does not authorize a hospital to accept less than the amount of the claim in full payment thereof, but requires that the hospital take action to recover the full amount where it appears that the patient, or other person concerned, is able to pay said full amount. This would not, however, preclude a hospital from accepting part of the amount due, the balance still being due and owing when the patient becomes able to pay. Also, if legal action is taken and the court gives a judgment of less than the total amount of the claim, and all other legal remedies are exhausted, the hospital would be authorized to accept the amount of the judgment.

Thus, in the instant case, the hospital may not accept \$300.00 as full payment for the claim of \$1,203.50, but may accept \$300.00 as a payment on the total claim.

Also, if it appears to either the managing officer of the hospital or the registrar that the patient, or other person concerned, is able to pay the full amount of the claim, action should be taken under Section 4515.10, *supra*, to collect said full amount.

In conclusion, it is my opinion and you are advised that where under Chapter 4515., Revised Code, a hospital, on claim properly presented, has been reimbursed by the state for the cost of care given an indigent person who has suffered a motor vehicle injury, Section 4515.10, Revised Code, requires the hospital to take action to recover the full amount of the claim from said person, or any other person charged with his care and support, when it appears to the managing officer of the hospital or to the registrar

of motor vehicles that said person or other person is able to pay said full amount ; but the hospital is not authorized to accept less than the amount of the claim in full payment thereof unless the lesser amount is that realized by court action and all legal remedies have been exhausted.

Respectfully,

MARK McELROY

Attorney General