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HOSPITAL REIMBURSEMENT LAW—SECTIONS 6308-7 - 6308-15 G. C.—SPECIFIC ACT TO TAKE CARE OF INDIGENT PATIENTS INJURED BY OPERATION OF MOTOR VEHICLE ON PUBLIC WAY WITHOUT ASSISTANCE FROM FUNDS, “OLD AGE PENSION LAW”—SECTIONS 1359-1 - 1359-30 G. C.

SYLLABUS:

The “Hospital Reimbursement” law, Sections 6308-7 through 6308-15, General Code, is a specific act designed to take care of indigent patients suffering injuries caused by the operation of a motor vehicle on a public way, without assistance of funds from the “Old Age Pension Law,” Sections 1359-1 through 1359-30, General Code.

Columbus, Ohio, October 14, 1947

Mr. Edward T. Fogo, Registrar, Bureau of Motor Vehicles
Columbus, Ohio

Dear Sir:

I have your letter requesting my opinion, as follows:

“Your opinion is respectfully requested as to whether within the meaning of ‘The Hospital Reimbursement Law,’ aid for the aged funds available under Section 1359-1 to 1359-30, General Code, inclusive, should be made to reimburse the hospitals in the case of a recipient hospitalized by reason of the operation of a motor vehicle or whether ‘The Hospital Reimbursement Law,’ is a specific act designed to take care of such cases without the assistance of funds from other state agencies.”

The pertinent sections of House Bill No. 251, approved as an emergency measure June 24, 1947, read as follows:

Section 1359-3:

“The amount of aid payable to or on behalf of any person shall be determined, in accordance with the rules and regulations of the division of aid for the aged, with due regard to his requirements and the conditions existing in his case and to the income and resources available to him from whatever source, and shall be sufficient, when added to the income and resources determined to be available to him, to provide him with a reasonable subsistence compatible with health and well being; but such aid shall not exceed \$50.00 a month, and shall not exceed \$600.00 a year. Provided that in cases of extraordinary need and in so far as not in conflict with the basis of need established in or under federal law, an additional *payment* of not to exceed \$200.00 in any calendar year may be made *to the recipient or, at the option of the division, to other persons or agencies* in accordance with schedules adopted by the division for medical, dental, optometrical or hospital care.”

Section 1359-17:

“Aid payable under this act shall be paid monthly by the treasurer of state upon warrants drawn by the auditor of state. Warrants shall be delivered to the recipient to whom payable, or his duly qualified guardian, by the division of aid for the aged in such manner as the division may prescribe *except that warrants for the payment for medical, dental, optometrical or hospital care shall be, at the option of the division, made payable to, and de-*

livered directly to, either the recipient or persons or agencies furnishing such care."

(The emphasized portions of the two above quoted sections are the pertinent additions made to the existing statutes.)

Amended Senate Bill No. 367, effective September 5, 1946, added to Section 1359-3 the provisions for payment of medical care, in addition to creating an increase in monthly payments to old age pensioners. The addition made to the then existing statute was:

"* * * Provided that in cases of extraordinary need and in so far as not in conflict with the basis of need established in or under federal law, an additional allowance of not to exceed \$200 in any calendar year may be made, in accordance with schedules adopted by the division, for medical, dental, optometrical or hospital care."

Provisions were made under the Motor Vehicle Act for the reimbursement to hospitals, not operated for profit, where such hospitals treated indigent patients. These provisions are entitled "Reimbursement of Hospitals," and include Sections 6308-7 through Sections 6308-14, General Code. Section 6308-7 defines "indigent patient" as follows:

"'Indigent patient' means a person who has suffered a motor vehicle injury, is received and cared for in a hospital, is unable to pay for the cost of such care and whose account therefor remains unpaid at the expiration of ninety days after the termination of such care; it excludes an employee suffering from a motor vehicle injury with respect to which he is entitled to the benefits of the workmen's compensation act of this or any other state or country. A person injured by the operation of a motor vehicle shall be deemed unable to pay such charges if it shall appear that, should an action be brought and judgment secured for the amount thereof against him, or against any other person legally responsible for his care, execution thereon would be unavailing."

It is first to be noted that the Old Age Pension Law includes Sections 1359-1 to 1359-30, General Code. The definition of "indigent patient," as set forth in Section 6308-7, General Code, includes a much larger group of persons than is included under the Old Age Pension Law. For example, an "indigent patient" can be of any age; an old age pensioner must be sixty-five years of age in addition to being unable to provide for himself. The "Hospital Reimbursement Law" provides for the care of a specific group under specific circumstances.

The reason for the additional provisions to the "Old Age Pension Law" is easily ascertained. It is clear that the legislative intent was to increase the stipend to old age pensioners due to the increased cost of commodities and services. A repeal or substitution of one statute for another by implication is not favored. It is to be noted that the definition of "indigent patient" in Section 6308-7, General Code, excludes "an employee suffering from a motor vehicle injury with respect to which he is entitled to the benefits of the workmen's compensation act of this or any other state or country." This is the only exclusion and there is no such similar provision for the exclusion of old age pensioners. Thus, it is concluded that old age pensioners are to receive the benefits of the "Hospital Reimbursement Law." There is no express provision in House Bill No. 251 that it is to include hospital reimbursement under the motor vehicle statutes. This additional allowance for "medical, dental, optometrical or hospital care" covers the needed care that these pensioners were not receiving prior to the passage of Amended Senate Bill No. 367 in 1946, and House Bill No. 251 in 1947.

The provisions of House Bill No. 251 leave the decision, whether the payment for medical, dental, optometrical or hospital expense be made to the recipient or the agency providing the service, entirely in the discretion of the Division of Aid for the Aged. The bill specifically states payment may be made to the recipient or "at the option of the division, to other persons or agencies in accordance with the schedules adopted by the division, * * *." The same provision is carried out in the amended Section 1359-17 of this bill. So even in the most favorable interpretation of this bill, it would not be required that the Division of Aid for the Aged honor such demand from the Bureau of Motor Vehicles, or other agency.

Accordingly, it is my opinion, and you are advised, that the "Hospital Reimbursement" law, Sections 6308-7 through 6308-15, General Code, is a specific act designed to take care of indigent patients suffering injuries caused by the operation of a motor vehicle on a public way, without assistance of funds from the "Old Age Pension Law," Sections 1359-1 through 1359-30, General Code.

Respectfully,

HUGH S. JENKINS,
Attorney General.