

4558

INDIGENT — MEDICAL SERVICE — HOSPITAL SERVICE — MUNICIPALITY OR OTHER POLITICAL SUBDIVISIONS SUCH AS TOWNSHIPS, NOT LIABLE FOR COSTS WHERE COMPLIANCE WITH STATUTORY REQUIREMENTS AS TO NOTICE — WHERE SERVICES PERFORMED IN COUNTY OTHER THAN LEGAL SETTLEMENT, COUNTY OF LEGAL SETTLEMENT LIABLE FOR COSTS — CASES OTHER THAN CONTAGIOUS — SECTION 3484-2 GENERAL CODE.

SYLLABUS:

Where medical services or the services of a hospital, in cases other than contagious, are rendered by a municipality, or other political subdivisions enumerated in Section 3484-2, General Code, to an indigent within a county other than that of legal settlement, the county of legal settlement, not a municipality or township therein, is liable for the costs of such services provided there has been a compliance with the statutory requirements as to notice.

Columbus, Ohio, December 13, 1941.

Hon. W. Thurman Todd, Prosecuting Attorney,
Mount Vernon, Ohio.

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

“I desire your opinion as to the residence of one T. C., a minor of this county, for poor relief purposes.

The circumstances are as follows: T. C.'s mother obtained a divorce in this county in March, 1937, and by the entry of the court custody of T. C. was given to his mother. The mother at the time was a resident of the city of Mt. Vernon, Ohio, and T. C. lived with her. T. C.'s father lived in Michigan at the time and has ever since.

T. C. stayed with his mother only a short time, and since she was unable to control him she took him to his father in Michigan but no change of custody was made of record. T. C.

stayed with his father only a short time and returned to Mt. Vernon. After his return to Mt. Vernon his mother, through the assistance of the Juvenile Officer, got a home for T. C. with another family in Clinton Twp., this county but no change of custody was made of record and he was not made a ward of the juvenile court.

After T. C. left the home of his mother she married one S. M. who was a resident of Mt. Vernon and Mr. M. and T. C.'s mother lived in Mt. Vernon for a short while and then moved into Liberty Township, this county, where they lived for a sufficient period of time to establish a residence for relief purposes in Liberty Township, but T. C. continued to live with the other family in Clinton Township. Thus matters continued until August, 1939, when T. C. ran away from the home where he had been staying and lost a leg in an accident and was hospitalized in Mansfield, Ohio.

The bill for the hospitalization has been sent to this county and I desire your opinion as to which township in this county is liable for this hospitalization."

For the purpose of determining the liability for the costs of hospitalization rendered by a municipality to a minor having legal settlement in another county, it is without reason and unnecessary to ascertain the township of legal settlement. The township of legal settlement is a proper question when and only when medical services or the services of a hospital are provided for an indigent having a legal settlement within the county in which such services are rendered. In this regard Section 3480-1, General Code, provides:

"When an indigent person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a municipality or township within the same county but other than that in which the service is rendered, and such person is unable to pay the expenses of such service, the county, municipality or township rendering such service shall notify, in writing, the proper officials of the municipality or township of legal settlement of such person that services are being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service or admission to such hospital, or within three days after discovery of such fact if the same be not disclosed as above. Thereupon the municipality or township of legal settlement shall be liable for such services at the established rate of the county, municipality or township rendering such service and shall pay for the same within thirty days after date of the sworn statement covering such expenses, which sworn statement shall be sent to the proper officials of the municipality or township of legal settlement within twenty days after the dis-

charge of such person. If the notice of such service be not sent to the municipality or township of legal settlement within three days after the disclosure by such person or the discovery of such non-residence, such municipality or township shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal of such person, or the assumption of care of such person, by the municipality or township of legal settlement, at its expense, but such removal or assumption shall not relieve such municipality or township from liability for the expenses theretofore incurred by the county, municipality or township rendering such service. The municipality or township of legal settlement is hereby subrogated to all the rights of the county, municipality or township rendering such service to such person."

In the instant case the indigent received hospitalization within a county other than that of his legal settlement, in which case, under the provisions of Section 3484-2, General Code, the *county* of legal settlement is responsible providing there is compliance with the statutory requirements as to notice, etc. Section 3484-2, General Code, reads as follows:

"When a person requiring medical services or the services of a hospital, in cases other than contagious, has a legal settlement in a county other than the one in which such service is rendered, and is unable to pay the expenses of such service, and such service is rendered by a county, municipality or township, the county, municipality or township rendering such service shall notify in writing the county commissioners of the county of legal settlement that such service is being rendered. Such written notice shall be sent within three days if the fact of non-residence is disclosed upon the beginning of such service, or admission to such hospital, or within three days after the discovery of such fact, if the same be not disclosed as above. Within twenty days after the discharge of such person, or the rendering of the last service, the county, municipality or township rendering such service shall send a notice thereof, and a sworn statement of its expenses, at the established rate of the county, municipality or township therefor, to the county commissioners of the county of legal settlement. Thereupon the county of legal settlement shall be liable to the county, municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the county, municipality or township therefor, and shall pay for the same within thirty days after date of the sworn statement of expenses. If the notice of the rendering of such service, required to be sent by the county, municipality or township rendering the same, be not sent within three days after the disclosure by such person or the discovery of such non-residence, the county of legal settlement shall be liable only after the receipt of such notice. Nothing herein contained shall prevent the removal or assumption of care of such person by the county of legal

settlement, at its expense, but such removal or assumption shall not relieve such county of liability for the expenses theretofore incurred by the county, municipality or township rendering such service. The county of legal settlement is hereby subrogated to all the rights of the county, municipality or township rendering such service to such person."

It seems apparent from your request that the legal settlement of the minor in question is conceded to be that of Knox County. In view of this concession and because of insufficient information this question is not discussed.

In specific answer to your inquiry, therefore, it is my opinion that:

Where medical services or the services of a hospital in cases other than contagious, are rendered by a municipality, or other political subdivisions enumerated in Section 3484-2, General Code, to an indigent within a county other than that of legal settlement, the county of legal settlement, not the municipality or township therein, is liable for the costs of such services provided there has been a compliance with the statutory requirements as to notice.

Respectfully,

THOMAS J. HERBERT,

Attorney General.