

989.

COUNTY HOSPITAL—CHARGING FOR CARE OF PATIENTS RESIDING OUTSIDE THE COUNTY UNAUTHORIZED IN ABSENCE OF CONTRACT WITH FOREIGN COUNTY.

**SYLLABUS:**

*Section 3484-2, General Code (113 O. L. 272), does not authorize a county maintaining a hospital erected under authority of Section 3127, General Code, to charge a foreign county for the hospital care of a patient residing in such foreign county without the existence of a contract.*

COLUMBUS, OHIO, October 5, 1929.

HON. J. FRANK POLLOCK, *Prosecuting Attorney, Painesville, Ohio.*

DEAR SIR:—I am in receipt of your communication in which you request my opinion, as follows:

“A recent enactment of the State Legislature, known as House Bill No. 13, General Code, Section 3484-2, makes it compulsory for counties in which indigent patients are resident to compensate either a municipality or township for the services rendered to such resident. Lake county is one of two counties which owns its own hospital, which hospital is in practically the same position as the hospital sought to be benefited by the enactment. Is it your opinion that the county hospital would be governed by the provision of this act and can charge foreign counties or townships with the care of patients coming from such counties under the provisions of the act?”

I have also received your subsequent communication, in which you advise that the county hospital to which you refer was erected under authority of Section 3127, General Code.

Section 3484-2, General Code, to which you refer in your inquiry, 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 municipality or township, the 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 municipality or township rendering such service shall send a notice thereof, and a sworn statement of its expenses, at the established rate of the 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 municipality or township rendering such service for the expenses of such service, including hospital service, at the established rate of the 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 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 municipality or township rendering such service. Any such person who does not, upon discharge from such hospital, or upon the rendering of the last service, pay the expenses of such service, at the established rate therefor, shall, for the purpose of this act, be deemed indigent in so far as the municipality or township rendering such service is concerned. The county of legal settlement is hereby subrogated to all the rights of the municipality or township rendering such service to such person."

This new enactment is only broad enough to include recovery by a township or municipality, while your hospital is a county institution.

It accordingly becomes unnecessary to consider what the respective obligations of a county, municipality and township are toward indigent persons requiring medical service who have a residence in another county.

Sufficient to say that a township or municipality which renders "medical services or the services of a hospital, in cases other than contagious" to an indigent person having legal settlement in another county, is given specific authority to collect the expense of such service from the county of legal settlement, while a county is not given such specific authority.

If an indigent non-resident patient were cared for in the Lake County hospital on order of a municipality or township, which by law is charged with affording such relief, such municipality or township probably could recover the expense of such service from the county of the patient's residence, if the statute as to notification had been complied with. Lake County could not, however, recover direct from the county of the patient's residence.

Answering your specific inquiry, I am therefore advising you that Section 3484-2, General Code (113 O. L., p. 272), does not authorize Lake County to charge a foreign county for hospital care of a patient residing in the latter county without the existence of a contract.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

990.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE ELECTRIC POWER EQUIPMENT COMPANY, COLUMBUS, OHIO, FOR ELECTRICAL EQUIPMENT, CHEMISTRY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$12,707.00—SURETY BOND EXECUTED BY THE GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, October 5, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of the