

6539.

APPROVAL—BONDS OF CITY OF TOLEDO, LUCAS COUNTY,
OHIO, \$10,000.00.

COLUMBUS, OHIO, December 18, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

6540.

APPROVAL—BONDS OF CITY OF AKRON, SUMMIT COUNTY,
OHIO, \$58,000.00.

COLUMBUS, OHIO, December 18, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

6541.

APPROVAL—BONDS OF CITY OF AKRON, SUMMIT COUNTY,
OHIO, \$169,000.00.

COLUMBUS, OHIO, December 18, 1936.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

6542.

HOSPITAL—COUNTY HOSPITAL UNAUTHORIZED TO
CHARGE TOWNSHIP TRUSTEES FOR TREATMENT
GIVEN SUBJECT FOR CHARITY.

SYLLABUS:

Where the trustees of a county hospital, pursuant to Section 3137, General Code, determine that a patient presented for treatment is a subject for charity, there is no authority by which the trustees of said hospital may thereafter make claim against the trustees of a township wherein such subject for charity then resided.

COLUMBUS, OHIO, December 19, 1936.

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

GENTLEMEN: Your request for my opinion reads as follows:

“You are respectfully requested to furnish this department your written opinion upon the following:

Section 3137, General Code, relating to the operation of county hospitals, provides that the trustees may determine whether patients presented at the hospital for treatment are subjects for charity, and that they may fix the amount to be paid by those able to assist themselves.

QUESTION: In case persons, after investigation by the trustees of a township in a county in which a hospital is located, are found to be indigent, and entitled to relief, and in need of hospital care, if such person is sent to the county hospital, may the trustees of the hospital make claim against the township trustees for the care of such person; or, is such hospital required to render services without compensation from the township?

According to Section 3137, General Code, the board of trustees of a county hospital “shall have the entire management and control of the hospital and shall establish such rules for the government thereof and the admission of persons thereto as it deems expedient.”

The authority of a board of trustees of a county hospital to charge for care of an indigent was discussed and I believe correctly determined by a former Attorney General in an opinion to be found in Opinions of the Attorney General for 1921, Volume I, page 582. At page 584 of said opinion the then Attorney General said:

“It would seem from that part of Section 3137 G. C. (108 O. L. Part I, p. 258) quoted in your letter, namely, the part which says:

‘Such trustees may determine whether patients presented at the hospital for treatment are subjects for charity, and shall fix the compensation to be paid by patients other than those unable to assist themselves.’

that no authority is given the county hospital trustees to charge anything for the treatment of patients whom they find to be ‘subjects for charity,’ and that charges are to be made by them

only as to those who are described as 'patients other than those unable to assist themselves.'"

And further on the same page:

"In answer to your first question, you are therefore advised that where the trustees of a county hospital determine that patients presented at said hospital for treatment are 'subjects for charity,' the county commissioners are without authority to pay said hospital trustees for such treatment. If, as your letter suggests, this construction will cause a deficit in the hospital funds, the remedy is, of course, the making by the county commissioners of an increased maintenance levy under and by virtue of Section 3133 G. C."

The principal difference between your question and that then before the Attorney General lies in the fact that in your case the claim, if allowable, would be against the township trustees, whereas, in the former case such claim was against the county commissioners.

There appears to be no substantial difference in the determination of your question for it matters not against whom a claim by the hospital trustees might be presented if there is no authority for the said trustees to collect such a claim.

Perhaps it is well to emphasize that under Section 3137, General Code, it is for the trustees of the county hospital to determine whether patients presented at the hospital for treatment are subjects for charity.

Having determined that such patients are subjects for charity, it is my opinion that there is no statutory authority by which the said trustees may collect the value of such services from the board of township trustees.

Respectfully,

JOHN W. BRICKER,
Attorney General.