

**Health Officer, Fees Of. Contagious Disease, Duty of
Health Officer. Fees of Health Officer.**

When a health officer is called in by a physician in charge of any given case to ascertain the communicable nature of such disease, such officer acts in his official capacity and could not charge the individual for his services.

May 16, 1911.

Dr. T. D. Tuttle, Sec'y.,
State Board of Health,
Helena, Montana.

Dear Sir:

I acknowledge receipt of your letter of the 13th inst., in which you submit for my opinion the following question:

“When a physician is in doubt with regard to whether a

patient under his care is suffering from a communicable disease, has he the authority to call on a health officer to see the patient as a health officer and determine the nature of the disease, or is the health officer entitled to charge the individual in such cases as though called in consultation?'

In my opinion whatever action the health officer takes at the invitation or solicitation of the physician in charge of any given case is taken by such health officer officially and in no case except where such health officer may be called in consultation at the request of the individual, could such health officer charge the individual for his services. The right to collect fees as between the physician and patient is purely a matter of private contract and must be entered into as a private contract, so that it is my opinion, that it being the duty of a health officer to investigate the existence of contagious diseases within his district, that in making a visit as such health officer he cannot charge the patient therefor, a fee as for such consultation. His compensation prescribed by law covers all such services.

Yours very truly,

ALBERT J. GALEN,

Attorney General.