

Montana State Tuberculosis Sanatorium, Admission of Patients to. Tuberculosis Sanatorium, Patients Admitted to by Counties. County. Right of to Send Patients to Sanatorium.

The county commissioners have authority to send patients to the tuberculosis sanatorium, but county cannot act as a mere agent for the purpose of securing free treatment to patients who are able to pay for the same, but county may reimburse itself from the property of those who are under its care, if it subsequently finds that they have special property.

February 3rd, 1914.

Hon. T. D. Tuttle,

President Montana State Tuberculosis Sanatorium,
Warm Springs Montana.

Dear Sir:

I am in receipt of your letter of the 19th ultimo, submitting the question:

"Is it lawful for county commissioners to make application for admission of patients to this institution, and require such patients to reimburse the county for money paid for maintenance of such patients?"

The law relating to the sanatorium (Chap. 125, Laws 1911) makes specific provisions in Secs. 10 and 12 of said chapter for the admission of free patients through the county authorities, and provides for the payment by the counties of the expenses of such patients within the limit named in the law. This law also provides for the admission of private patients or those who are compelled to pay for their care and treatment. It is not the purpose of the law that those who are compelled to reimburse the state should be permitted to resort to the tactics of securing admission through the county authorities, under any agreement or arrangement that such patients would reimburse the county, for such procedure would amount to a little less than a conspiracy between the county and the patient. It would at least be a gross abuse of power and authority by the county officials. No presumption can be indulged in that such is the case, and it can only be sustained by evidence sufficient to convince a court or jury that such is the fact. There is absolutely nothing unlawful in the act of a county reimbursing itself from the property which it may find belonging to the party who, claiming to be a pauper, has secured admission to the hospital through the charity of the county. This same thing is true of any poor person cared for by the county for the county is only authorized to care for those who are unable to care for themselves, and if it is found that they have property, that property may be taken to reimburse the county for the money it has expended, by reason of such false claim of the patient. This entire matter is rather one of administration than law, and if it appears from evidence that any county is abusing this dis-

creticary power, the board should immediately take the proper steps to protect the sanatorium against such abuse.

Yours very truly,

D. M. KELLY,
Attorney General.