

State Tuberculosis Sanitarium, Who Eligible for Admission to.

Under the provisions of Sec. 10 of Chapter 125, Laws of 1911, only such persons as have been residents of the state for one year are eligible for admission as patients to the State Tuberculosis Sanitarium. It is within the province of the state board of examiners to make such rules with respect to the admission of private patients as it may deem proper.

February 10th, 1913.

Dr. T. D. Tuttle,  
President Montana State Tuberculosis Sanitarium,  
Warm Springs, Montana.

Dear Sir:

I am in receipt of your favor of the 7th inst., asking for an opinion as to whether or not the words "and no person shall be admitted to the sanitarium who has not been a resident of this state for at least one year," found in Sec. 10, Chap. 125, Laws of the Twelfth Legislative Assembly, apply to private patients or to free patients only.

Sec. 10 seems to have been expressly intended for free patients and not for private patients. I think it is true that the whole act contemplates that most of the patients who will be cared for at the sanitarium will be free patients from the various counties of the state. The restriction as to residence was, no doubt, made to prevent many non-residents from obtaining the privileges and treatment at the sanitarium and thereby becoming charges of this state, and to the exclusion of residents of the state. In my opinion this restriction as to residence was intended to apply only to free patients, and is not extended to private patients. It may be possible that it would be good policy to apply the same rule to private patients. Sec. 14 of the act gives to the state board of examiners the general control and supervision of the sanitarium and authority to provide rules and regulations for the government of its affairs. Subdivs. A and B of Sec. 14 unquestionably give the state board of examiners authority to make such rules in reference to admission of private patients as the board, in its judgment, may deem proper. If the board of examiners should deem proper that the rule of one year residence should be extended to private patients, then, in my opinion, the board would have authority to adopt such a rule. It might be the proper thing for you to call this matter to the attention of the board of examiners and have them make such rule with reference thereto as they may deem proper.

Very truly yours,

D. M. KELLY,  
Attorney General.