

Opinion No. 10.**Old Age Pensions—Medical and Surgical Assistance—Counties—Poor.**

HELD: Persons receiving Old Age Pensions are as eligible to receive medical and surgical assistance from a county as are other indigent persons.

December 29, 1936.

Mr. Lee Butler Farr
County Attorney, Richland County
Sidney, Montana

Dear Sir:

We have your request for an opinion, which reads as follows:

“This County has a contract with a physician for the care and medical treatment of the poor, what obligation does the County bear relative to this contract with persons receiving the Old Age Pension.

Is it obligatory for the County to be responsible for the medical care of persons receiving the Old Age Pension?”

Section 335.30 R. C. M. 1935, reads as follows:

“Recipient shall not receive other public assistance. No person receiving old age assistance grant under this

act shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance."

Section 333.20 reads in part as follows:

"Requirements for assistance. Persons eligible to receive old age assistance. Old age assistance may be given under this act to any person who:

(6) Is not at the time of receiving assistance an inmate of any public or private institution, except in the case of temporary medical or surgical care in a hospital.

* * * * *

(8) Is not because of his physical or mental condition in need of continued institutional care."

From the foregoing quoted statutes, it is our opinion that the legislature intended that a person receiving old age assistance should be eligible for such medical and surgical care as is granted to any indigent person in the county. If such a person, because of his physical or mental condition is in need of continual institutional care, he should receive that, but this continued institutional care makes him ineligible for old age assistance.

Therefore, it is our opinion that it is just as obligatory for the county to be responsible for the medical care of persons receiving old age assistance, as it is obligatory for the county to be responsible for the medical care of other indigent persons of the county.