

No. 10

**PUBLIC WELFARE—COUNTY COMMISSIONERS—
RESIDENT PRACTICING PHYSICIAN—OSTEOPATHIC
AND CHIROPRACTIC SERVICES**

Held: Under Welfare Act as amended by Chapter 129 of the Laws of 1939, County Commissioners' duty to furnish osteopathic and chiropractic treatment left to sound discretion of Board.

January 29, 1941.

Board of County Commissioners
Big Horn County
Hardin, Montana

Gentlemen:

You have submitted the following question for my opinion:

"Is it compulsory for the Board of County Commissioners to employ an osteopath or a chiropractor in connection with the regular County Physician's Contract, or can they let a contract direct to a medical doctor without considering a chiropractor or an osteopath?"

The Board of County Commissioners must make a contract with a resident practicing physician to furnish necessary medical attention and medicine to the poor, sick and infirm of the county and may let such contract to the physician appointed by such board as County Health Officer, with compensation in addition, all as is provided in Section 4527, Revised Codes of Montana, 1935. This has been the law for many years. By the enactment by the Legislature of Chapter 129 of the Laws of 1939, being an act to amend the Public Welfare Act of Montana, under Section 15 thereof, it is provided:

"Medical aid and services and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of county commissioners to make provision for competent and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association. 'Medical' or 'medicine' as used in this act refers to the healing art as practiced by licensed practitioners."

In addition to the contract with the county physicians, as required by Section 4527, Revised Codes of Montana, 1935, it is now the duty also for the Board of County Commissioners to make provision for competent and skilled osteopathic and chiropractic practitioners' services to those eligible to receive such treatment.

The law does not provide any specific manner in which such services of osteopathic or chiropractic practitioners may be furnished. Therefore, it is to be determined by the sound discretion of the Board of County Commissioners.

Very truly yours,

JOHN W. BONNER
Attorney General