

Opinion No. 48-5132

February 27, 1948

BY: C. C. McCULLOH, Attorney General

TO: Dr. James R. Scott, Director Department of Public Health, Santa Fe, New Mexico.

{*133} We wish to acknowledge receipt of your letter of February 25, 1948 pertaining to the extent of jurisdiction your Department was given by Section 7, Chapter 172, Laws of 1947 over municipal and school personnel.

Section 7, Chapter 172, Laws of 1947, provides as follows:

"The jurisdiction and powers of the district health officer shall extend to all incorporated municipalities within the district, as well as to the unincorporated area of the district, and all municipal public health or sanitation personnel and all school health personnel (not physical education personnel) shall work under the direct supervision {*134} and control of, and shall make such reports to the District Health Officer as he may direct, insofar as it affects the public's health. He shall possess the same powers with respect to the preservation of the public health and the administration and enforcement of the health laws as those conferred upon the State Department of Public Health, except that said powers shall be exercised within his jurisdiction only and in subordination to and with the approval of the State Department of Public Health. He shall be charged with the execution within his jurisdiction of the Health laws and all rules and regulations promulgated by the State Board of Public Health, be under its supervision and control and make such reports to the State Department of Public Health as it may direct and shall at all times perform such duties and execute such policies and programs as may be directed by the State Board of Public Health."

From the aforementioned section, it is our conclusion that the extent of control your department has over municipal and school health personnel is that you have authority to require reports of such personnel and to request them to execute such policies and programs as may be promulgated by your department.

The right to hire and fire such personnel is still lodged with the proper municipal or school authorities.

In other words, Section 7 of this aforementioned act merely requires all municipal and school health personnel to cooperate with the District Health Officer so that any policies or programs presented by the District Health Officer will receive full support from those concerned with public health problems.

Trusting the aforementioned satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General