

Opinion No. 51-5451

October 19, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Gardner D. Rucker Business Manager Miners' Hospital of New Mexico Raton, New Mexico

{*159} This is in reply to your letter of September 25, 1951, in which you request interpretation and our opinion as to whether the two following cases are eligible for admission to the Miners' Hospital of New Mexico.

1. "A coal miner, 53 years old, foreign born, and has not taken out naturalization papers, but is very badly in need of hospitalization. His physician, a member of the staff of this hospital, advises he will no doubt be here permanently if admitted."

The first case, based on your statement of facts, is a proper subject to be admitted if said miner did not discontinue his occupation as such miner and has been sick or infirm in the line of his occupation; however, under a previous opinion written by this office in 1915-16 -- Opinions of the Attorney General, on page 38 -- a miner who had discontinued his occupation as miner and who became sick or infirm, but not in line of his occupation, was not entitled to admission to Miners' Hospital free of charge, so in addition to the facts stated in your first case, if this subject or miner has not discontinued his occupation as a miner he would be entitled to be admitted even though he is foreign born and has not become naturalized, because Sec. 5-401 of the 1941 N.M.S.A. requires only residence of miners and does not require that they be citizens of the United States.

Your second question is as follows:

{*160} 2. "An old metal miner, 68 years old, a native born citizen, who is not necessarily in need of medical treatment, but is unable to work and has no money or income to support himself."

The controlling fact, in addition to the facts that you state, would be whether this miner has discontinued his occupation as a miner or not. If he has not discontinued his occupation as a miner he is entitled to be admitted free of charge.

I trust that this fully answers your inquiry.