

Opinion No. 55-6196

June 16, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Charles B. Barker, Assistant District Attorney, First Judicial District, Santa Fe, New Mexico

Receipt is acknowledged of your letter dated June 9th in which you request an opinion as to whether or not the word "hospital" is contemplated by Chapter 200 of the 1955 New Mexico Session Laws, and known as the "Minimum Wage Law".

The words, service employees, according to subsection (c) (3) of the Act shall be interpreted to mean persons employed in the following establishments and occupations, and under that subsection (c) (3), under No. 10, are included persons employed by hospitals, mortuaries, and ambulance services. I fail to find either a dictionary or a legal definition of the words "rest home" but according to your letter you state that the operators of this so-called rest home take people and give them board and lodging and have a trained nurse on duty. In other words they furnish general hospital service to their patients. I believe that your description of the rest home brings it under the classification of "hospital".

The general definition of the word "hospital" is defined as follows at page 659 of Volume 19, Words and Phrases:

"The primary meaning of the word 'hospital' was an inn where guests were entertained for compensation. Now the word is more commonly applied to a building founded from charity, where the sick and disabled may be treated solely at their own expense, or at the expense of a corporation which receives only indigent patients, and is sometimes known as an 'almshouse,' and in either case it becomes a charitable institution."

Section 2 (c) (3) of Chapter 200, also provides that any establishment furnishing food and lodging may pay 50c per hour. We believe that a rest home falls within this classification so for this reason as well as under the definition of hospital, we believe a rest home is exempt.

It is therefore the opinion of this office that employees of a rest home come under the definition of service employees and therefore the words, rest home, being an institution are contemplated by the exception in the Act herein mentioned. In other words, rest home employees may be paid at the minimum rate of 50c an hour and are not required to be paid at the rate of 75c per hour.

By: Hilario Rubio

Assistant Attorney General