

Opinion No. 62-119

September 26, 1962

BY: OPINION OF EARL E. HARTLEY, Attorney General F. Harlan Flint, Assistant Attorney General

TO: Earl M. Coffee, Administrator, Miners' Hospital of New Mexico, Raton, New Mexico

QUESTION

QUESTIONS

1. May resident miners who meet other statutory requirements be admitted, treated and cared for free of charge when their condition is temporary rather than permanent or chronic?
2. May resident miners who meet other statutory requirements be medically treated as out-patients free of charge?

CONCLUSIONS

1. Yes.
2. Yes.

OPINION

ANALYSIS

The applicable statute is Section 13-6-1, N.M.S.A., 1953 Compilation, which provides in material part as follows:

"The Miners' Hospital of New Mexico is intended and meant to be for the free treatment and care of resident miners of the state of New Mexico, who may become sick or injured in the line of their occupation; and all lodging and medical care shall be free of charge, as shall all other expenses incurred by the patient except in cases where such patient is possessed of property and means sufficient to enable him to pay the actual costs and charges incurred by his attendance at such hospital, in which case the board of trustees may make provision for his being charged and paying such expenses incurred. . . ."

As to your first question, we are of the opinion that Section 13-6-1, supra, contemplates no distinction between chronic and temporary patients. In order to be eligible for treatment in the Miners' hospital, one must be (1) a miner, (2) a resident and (3) sick or injured in the course of employment as a miner. If a person is also unable to pay the

costs and charges of his treatment or care, he is entitled to receive it free of charge. The statutory guides are clear and unambiguous and to admit for free treatment only those resident miners whose condition is chronic would be violative of the quoted statutory provision.

A reading of the same statute with regard to your second question causes us to reach essentially the same conclusion on the inpatient, out-patient distinction. If the sickness or injury requiring treatment occurs in the line of his occupation, a miner is entitled to free treatment. The patient must, of course, be able to demonstrate his inability to pay for such treatment. In this regard it would seem likely that an out-patient would in many instances be in a position to pay. However, in the case of a recently discharged patient, or one whose condition prohibits his working without requiring hospitalization, it might be impossible to secure payment. While the Hospital Board has the power to adopt rules and regulations for the government of the hospital (§ 13-3-2, N.M.S.A., 1953 Compilation), it is our opinion that Section 13-6-1 supra, does not permit the refusal of treatment to an out-patient who otherwise meets the requirements stated above.