

Opinion No. 43-4263

April 2, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Dr. J. J. Johnson, Superintendent, New Mexico State Hospital, Las Vegas, New Mexico

In your letter dated March 31, 1943, you inquire whether patients coming into the State Hospital under voluntary commitments may be accepted as indigent persons.

Section 37-223 of the 1941 New Mexico Compilation provides for voluntary commitments, but does not mention the charges that are to be made for patients coming into the institution under voluntary commitments. This Section makes it discretionary with the Superintendent whether such patient shall be received or not.

I believe it is the duty of the Superintendent, or his representative, to ascertain whether the patient is financially able to pay the expenses of his care and treatment without jeopardizing the livelihood of his dependents or of himself after he is discharged. If such person is able to pay for his own care and maintenance he should be required to do so, but the Superintendent, in his own discretion, may receive such patient without making any charge.

In my opinion the same rules for making charges would apply to patients received under voluntary commitments as apply to commitments by order of the Court.

By C. C. McCULLOH,

First Asst. Atty. General