

Opinion No. 45-4642

January 21, 1945

BY: C. C. McCULLOH, Attorney General

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

{*8} We are in receipt of your letter of January 19, 1945, in which you state that your department has recently received information from the United States Public Health Service indicating that it is planning a survey of hospitals and other health facilities in New Mexico. You state that the correspondence indicates that a part of all the funds to be expended for such purpose would be advanced by the United States Public Health Service. In view of this situation, you ask whether or not the State Health Department now has power to make such a survey, and to accept federal funds for such purpose.

Your attention is directed to the following powers of the State Health Department:

Section 71-103 of the N.M. 1941 Compilation:

"(8) To receive and disburse such funds * * * granted, loaned or advanced to the State of New Mexico for the protection of public health.

"(9) To have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon it.

Section 71-104 of the N.M. 1941 Compilation:

"(3) Inspect public buildings, institutions, premises * * * in the interest of public health.

"(10) Cooperate with the health agencies of the federal government and other health agencies in carrying out measures for the protection of public health.

"(11) Receive such gifts, subsidies, donations, allotments or bequests as may be offered to the state, by the federal government * * * for the purpose of promoting public health."

In view of the foregoing, it is my opinion that the State Health Department has both the authority to {*9} conduct the survey mentioned, and accept federal funds for that purpose.

By ROBERT W. WARD,

Asst. Atty. General