

Opinion No. 45-4639

January 16, 1945

BY: C. C. McCULLOH, Attorney General

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

{*6} We are in receipt of your letter of January 10, 1945. You state that your Senior Psychiatrist wishes to give shock treatments to a girl who, while not committed to the institution, has the beginning of Dementia Praecox. You ask our opinion as to whether or not the hospital is responsible for her well-being, and is liable for the patient's health.

It is my opinion that the hospital has no jurisdiction over such a person. Section 37-101 provides that the object of the hospital is to care for indigent **insane** of New Mexico. Without going into the various other sections providing the powers and authority of the hospital, and procedure for commitment, it is my opinion that the hospital is not responsible for such a patient. Therefore, if the Psychiatrist treats this patient, he treats the patient in the same capacity as he would any private patient. You should, however, take care that it is made clear that the Psychiatrist, rather than the institution, is conducting the treatment.

By ROBERT W. WARD,

Asst. Atty. General