INDIANA STATE SANATORIUM: Eligibility for admission, relation of residence to such eligibility.

October 18, 1943.

Dr. H. B. Pirkle, Superintendent,
Indiana State Sanatorium,
Rockville, Indiana.

Dear Sir:

Your letter of October 5, 1943, received as follows:

"I will be pleased to have your opinion upon the following state of facts, to-wit:

"An application has been made for admission to the Indiana State Sanatorium for an indigent person who has been a citizen and resident of the State of Indiana for more than a year preceding the date of the application. This person has not stayed long enough in any one place to acquire a legal settlement. Is this person entitled to admission to this institution?"

Section 22-2112, Burns' R. S. 1933, being Ch. 188, Sec. 2, Acts of 1927, provides for the admission of patients to the Indiana State Sanatorium and is as follows:

"No person shall be admitted for treatment to such hospital who has not been a resident of the state of Indiana continuously for one (1) year last past prior to the date of making application for admission thereto; and the first duty of the state shall be to its indigent who are afflicted with recoverable pulmonary tuberculosis, and all applications by an indigent for admission to such hospital shall be accompanied by the certificate of the township trustee of the township wherein the applicant resides, to the effect that such applicant is an indigent and is and has been a citizen of the state for the required time aforesaid, also by the certificate of the physician to the poor for such township, or some other reputable physician satisfactory to the board, that such applicant is an indigent suffering with recoverable pulmonary tuberculosis; and any township trustee of this state issuing any certificate
of the indigence or partial indigence of any such applicant shall, as soon as practical thereafter, file a copy of such certificate with the board of county commissioners of their respective counties, and also a statement that such applicant was admitted to such hospital for treatment; and if such applicant was not wholly indigent, the amount he was able to pay on account of his maintenance and treatment at such hospital. And immediately upon receipt of such application, accompanied by the certificates aforesaid, the superintendent of such hospital shall by mail advise such applicant, or the township trustee, whether such hospital can accommodate such applicant, and if such accommodation can be given then such trustee is hereby authorized to pay the expense of such indigent to such hospital, and upon the arrival of such applicant at such hospital the superintendent of such hospital shall make, or cause to be made, an examination of such applicant to ascertain whether such applicant is suffering from recoverable pulmonary tuberculosis, and if such applicant shall be found to be so afflicted, such applicant shall be admitted to such hospital for treatment therein at a cost to the county wherein such indigent resides not to exceed five dollars ($5.00) per week; and such cost of such treatment of such indigent shall be paid by the county in which such indigent so resides, and the board of county commissioners shall, upon the presentation of sworn statement of the cost thereof made by the superintendent of such hospital, allow such claim for the full amount thereof, and the county council shall make an allowance and appropriation sufficient to pay same, and when such claim shall be allowed, the county auditor shall draw his warrant on the county treasurer in favor of the superintendent of such hospital for the amount thereof, and the county treasurer shall pay the same out of the county treasury. If such applicant, upon examination by such superintendent, be found not to be suffering from recoverable pulmonary tuberculosis, then such applicant shall not be admitted to such hospital for treatment or otherwise, and such trustee shall pay the
expenses of the return home of such indigent, and charge the expenses of such indigent in traveling to and from said hospital to the account of funds advanced to the poor.”

In my opinion legal settlement does not enter into this question. Legal settlement applies to the right of an applicant to relief under the Poor Relief Act of 1933, as amended, same being Section 52-144, et seq. Burns' R. S. 1943 Supplement. The qualifications for admission to your institution under the above statute is one of residence and not legal settlement.

It is my opinion that the above statute clearly gives the applicant the right of admission providing the other conditions of the statute have been complied with.

PUBLIC SERVICE COMMISSION: Minimum crew law, whether said law is violated by a certain switching movement by the Continental Roll and Steel Foundry.

October 20, 1943.

Hon. Clayton M. Bailey, Director,
Railroad Department,
Public Service Commission of Indiana,
State House,
Indianapolis, Indiana.

Dear Mr. Bailey:

This is in reply to your recent letter requesting an opinion as to whether a certain switching movement by the Continental Roll and Steel Foundry Company over and on the tracks of the Indiana Harbor Belt Railroad Company at East Chicago constitutes a violation of Chapter 58 of the Acts of 1937, found in Burns' Ind. Stat. Ann. 1933, supplement, sections 55-1326 to 55-1338. The Act is commonly known as the Indiana Minimum Crew Law. You desire to be advised as to this law because it is made the duty of the Public Service Commission of Indiana to enforce the Act. Your letter, and the correspondence attached, discloses the following situation: