

**ACCOUNTS, STATE BOARD OF: Indigent patients, payments by at Indiana University Medical Center. Township trustees, payment by for patients at Indiana University Medical Center.**

July 1, 1937.

Hon. William P. Cosgrove,  
State Examiner,  
State Board of Accounts,  
Indianapolis, Indiana.

Dear Sir:

Your letter of June 25 asks an official opinion in answer to the following question:

“Does the Board of Trustees of Indiana University have the legal authority to make a charge to the township trustees of the state for some portion of the cost involved in caring for indigent patients referred to the Indiana University Medical Center by said Trustees?”

The answer to your question is that the Board of Trustees of Indiana University does not have the legal authority to make the charges such as you inquire about.

The hospitals in connection with the Indiana University Medical Center are: the James Whitcomb Riley Hospital for Children, the William H. Coleman Hospital for Women and the Robert W. Long Hospital of Indiana University, in addition to the statutes providing that the Center shall consist of any other hospitals that shall be established and maintained.

Chapter 8 of the Acts of 1911, which makes provision for the acceptance of the donations of Dr. Robert W. Long and Clara J. Long for the establishment and maintenance of a hospital in Marion County, Indiana, provides in part, as a portion of the proposal made by Dr. and Mrs. Long, as follows:

“We hope in this manner to be instrumental in establishing a hospital which shall prove useful to the people of Indiana in two ways:

“First. By making it possible for worthy persons of limited means from all parts of Indiana to secure hospital advantages and the services of the best physicians in connection therewith, such as can now be had only

by those residing in the cities where public hospitals are established.

“Second. By providing clinical facilities for standards of medicine in connection with the Indiana University School of Medicine.

“We are deeply interested in the first of these two objects because we realize that there are in all parts of Indiana many worthy men, women and children who could be relieved from a life of suffering and prepared to support themselves instead of being dependent upon the public, if they could afford to go to a good hospital. We desire to bring relief as far as possible to such persons and we believe that our purpose can be carried out best through the agency of the State University. We are deeply interested also in the betterment of medical education. We desire, therefore, that the hospital established by us shall be equipped and conducted in such a way as to be as beneficial as possible to medical science and to medical education. We feel that our purpose in this respect can best be carried out by the Indiana University in connection with its School of Medicine.”

Chapter 213 of the Acts of 1927, which is the Act accepting for the State of Indiana and for the purposes set out in the proposal a donation of Mr. William H. Coleman for a hospital for women. In the proposal incorporated in the Act at page 608 appears the following:

“The proposed hospital is to be known as William H. Coleman Hospital for Women, and is supported by the State of Indiana and to receive for care and treatment both patients who are not able to pay and patients who are able to pay part or all of the expenses of their care at such an institution.”

Section 5, chapter 266 of the Acts of 1921, in speaking about the James Whitcomb Riley Hospital, says:

“The cost of care and treatment of any such child, committed to the said hospital as aforesaid, under the foregoing section, shall be paid by the county in which the afflicted child has a legal settlement.”

It is clear from the language of the proposals incorporated in the first two Acts above cited and from the Act relative to the Riley Hospital that these institutions were established as charitable institutions and it was not the intention either of the donors or the legislature that indigent persons should be made to pay or that the township wherein they had established a legal residence should be charged for their care and treatment.

In addition to this, we find in section 28-5302, Burns Cumulative Pocket Supplement, 1937, that the powers of the Board of Trustees of Indiana University are specifically delineated. This section is as follows :

“The Board of Trustees of the State University shall be eight (8) in number, of whom not more than two (2) shall reside in the same county; and they and their successors shall be a body politic, with the style of ‘The Trustees of Indiana University’; in that name to sue and be sued; to elect one (1) of their number president; to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers; to possess all the real and personal property of such university for its benefit; to take and hold, in their corporate name any real or personal property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the by-laws of the institution; to elect a president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to prescribe the course of study and discipline and price of tuition in such university; and to make all by-laws necessary to carry into effect the powers hereby conferred. (1 R. S. 1852, Ch. 114, Sec. 2, p. 504; Acts 1855, Ch. 99, Sec. 1, p. 201; 1935, Ch. 269, Sec. 1, p. 1330.)”

You will notice that nowhere in this section above quoted are the trustees given power to make a charge for any of the hospitals operated in connection with the university.

I should like also to direct your attention to section 28-5403, Burns 1933, which provides :

“The Trustees of Indiana University are hereby authorized to conduct a medical school in Marion County, Indiana, and to receive gifts of real estate and other property on behalf of the State of Indiana for the maintenance of medical education in said county, conditioned that said trustees shall conduct as an integral part of the Indiana University School of Medicine a full four (4) years’ course in medicine in said Marion County, Indiana:” \* \* \*.

I want to call your attention to part of the above quoted section which limits the trustees to the receipt of gifts of real estate and other property for the maintenance of medical education. Nothing is said about the fixing of charges as against indigent patients to be paid by the townships of which they are legal residents.

In view of the sections of the various Acts above quoted, particularly the intent of the donors of the Long and Coleman Hospitals and more particularly in view of the limitation on the powers of the Trustees in connection with the maintenance of the Indiana University School of Medicine, it is my opinion that the Board of Trustees of Indiana University do not have legal authority to make a charge to the township trustees of the state for any portion of the cost involved in caring for indigent patients referred to the Indiana University Medical Center by any township trustees.

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**TAX COMMISSIONERS, STATE BOARD OF: Effective date of chapter 45 of Acts of 1937, involving certain salary increases.**

July 2, 1937.

Hon. Philip Zoercher,  
Chairman, State Board of Tax Commissioners,  
231 State House,  
Indianapolis, Indiana.

Dear Mr. Zoercher:

I have before me your letter of June 30 reading in part as follows:

“Under the Acts of 1937, p. 279, the legislature provided for the appointment of the number of deputies