

Opinion No. 53-5756

May 19, 1953

BY: RICHARD H. ROBINSON, Attorney General

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

{*156} On May 5th, we received a request from you relative to the statutory power possessed by the Department of Public Health in regard to a legal requirement that hospitals send reports on patients thought to be addicted to narcotics to the New Mexico Department of Public Health.

We find nothing in the law which requires notification to the Department of Public Health, or to any other individual or agency in the State, of persons thought to be addicted to the use of narcotics. However, § 71-703, N.M.S.A., 1941, empowers the New Mexico State Department of Public Health to " * * * make such rules and regulations consistent with the provisions of this Act * * * ." We believe that the New Mexico Department of Public Health has, within its power, the right to require notification from all hospitals in this State regarding such persons. There is clearly nothing inconsistent in the law with such a regulation.

Therefore, it is the opinion of this office that no statutory requirement is made that hospitals notify the New Mexico Department of Public Health, that such requirement can be promulgated by the Board and, when so promulgated, will have the full force of law.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General