

**Opinion No. 42-4075**

April 24, 1942

**BY:** EDWARD P. CHASE, Attorney General

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

{\*187} In your letter of April 21 you request our opinion on the following question:

"Are the duties of the district health boards in the state of New Mexico limited to the appointment and employment of a district health officer for the district over which the board has jurisdiction?"

The only specific statute which I find in regard to the powers of a district health board is Section 3, Chapter 131. Laws of 1935, which reads as follows:

"Each District Health Board {\*188} shall appoint and employ one district health officer whose appointment and employment shall be subject to approval by the State Board of Public Welfare." (Now the State Department of Public Health)

In view of the provisions of the foregoing statute and the absence of any statute granting more power to a district health board, I conclude that the district health board is limited to the "appointment and employment" of the district health officer and that your question should be answered in the affirmative. Of course, even this action by the district health board must meet with the approval of the State Board of Public Health. That it was the legislative intent to so limit the powers of the district health board is further fortified by reason of the provisions of Section 110-331, New Mexico Statutes Annotated, 1929 Compilation, as amended by Section 1, Chapter 97, Laws of 1941.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

First Asst. Atty. General