

**Opinion No. 45-4777**

August 23, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** Miss Billy Tober Supervisor of Finance Department of Public Health Santa Fe, New Mexico

{\*122} you make the following inquiry:

In your letter of August 20, 1945,

{\*123} "Will you please advise me if the Carrie Tingley Hospital for Crippled Children is limited to treatment only of orthopedic diseases or if it would be possible to use the Carrie Tingley Hospital, without changing the basic law, for cases other than that of orthopedic diseases, such as tuberculosis."

I assume that your interest and inquiry is based upon the fact that the Health Department has occasion to place indigent children with various diseases in hospitals for treatment, and you feel that if they could be placed in the Carrie Tingley Hospital the expense might possibly be reduced.

Section 5-301 of the N.M. 1941 Compilation states the purpose for creating the Carrie Tingley Crippled Children's Hospital to be to provide for the proper care and treatment for the crippled children of New Mexico.

Section 5-306 of the N.M. 1941 Compilation uses this language:

"The Board of Directors shall have the power and it shall be its duty to make rules and regulations for the admission of all patients, and to provide for social investigation as an aid to that end. The Carrie Tingley Crippled Children's Hospital is intended and meant to be for the treatment and care in cooperation with the State Department of Public Welfare of the crippled children of this state who are indigent, and whose parents and guardians are unable to bear the expense of such care and treatment."

Section 5-304, relating to the Medical Superintendent, requires that he shall be a graduate orthopedist, highly skilled in the care and treatment of crippled children. This section further provides that all other agents and employees, and particularly those employed to perform services of a technical and professional nature, shall be chosen because of their peculiar fitness, skill and training, to the end that the crippled children of New Mexico shall receive the best care and treatment available.

Thus, it is apparent that the name of the hospital, together with all of the statutory authority for its operation, is limited to treatment and care of crippled children, under the

existing law, and there would be no authority to treat cases other than that of orthopedic diseases.