

DEPUTY HEALTH COMMISSIONER: Appointment for one year; general duties.

March 15, 1939

3-17

Mr. W. R. J. Hughes
Prosecuting Attorney
Iron County
Ironton, Missouri



Dear Sir:

We have your request for an opinion, which in part is as follows:

"a. Is the Deputy Health Commissioner in this county ex-officio the County Doctor who must be used in all cases of ministering to the medical needs of the poor?

b. Section 9025 R. S. 1929, which was passed in May 1919, provides that at the first February term, that is, 1920, a Deputy Health Commissioner is to be appointed for three years. In this county, the court appointed each year, so the court record shows. The last appointment was made last February appointing Doctor J. H. Martin to serve as such for one year. Could the County Court rely on that time designation and appoint another person at this February term, even though the Statute sets out that the appointment should be for three years?"

The duties of the Deputy Health Commissioner are set out in Section 9027 R. S. No. 1929, and are principally concerned with the enforcement of the "rules and regulations"

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of the State Board of Health. Some of these duties relate to the "quality of water" furnished to the public, Section 9031, R. S. 1929, to prevent the spread of infectious or contagious diseases, Section 9036, R. S. 1929. We are unable to find any requirement that the Deputy Health Commissioner shall render all medical services to the poor. It is the duty of the county court to support poor persons, including those who are sick and in need of medical treatment as set out in Sections 12950 and 12951, R. S. Mo. 1929. It is, therefore, the opinion of this office that the Deputy Health Commissioner may, or may not, render medical services to the poor, depending upon the orders or approval of the county court. The county court may employ any reputable physician to render medical services.

With reference to the second proposition in your letter, there is no authority now for the employment of a Deputy Health Commissioner for more than a one year term. Section 9025 R. S. 1929 has been repealed, Laws of 1933, page 271, and the appointment under the new law is limited to a term of one year.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General
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