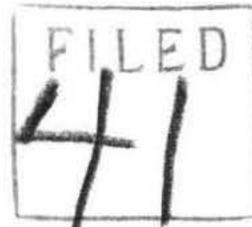


Opinion No. 280  
answered by letter

September 12, 1961



Honorable William W. Hoertel  
Prosecuting Attorney  
Phelps County  
Rolla, Missouri

Dear Mr. Hoertel:

As we understand your letter Phelps County does not have a County Health officer or a regular mill tax County Health Unit. The State Legislature has prescribed the methods to be used in setting up a County Health Unit or a County Health Officer and the county is not permitted to adopt some entirely different procedure.

We suggest that the County can easily come into compliance with the law by hiring a County Health Officer (under whom the sanitarian can work) or by creating a statutory County Health Unit. In this connection we are enclosing a copy of our opinion rendered July 19, 1961.

You also raise the question as to whether you have authority to employ a Public Health Nurse. This depends on the procedure which you have employed. This question is answered in an opinion rendered by our office on December 23, 1953, copy of which we are also enclosing.

The question of whether the secretary is legally employed is only incidental since the legality of her employment depends on whether her administrative superior is properly employed.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

CB:MW

Enclosures