



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

July 6, 1988

Ms. Donna Townes  
County Auditor  
Red River County Courthouse  
Clarksville, Texas 75426

LO-88-76

Dear Ms. Townes:

You ask whether Red River County must pay for treatment of an indigent resident who was treated for an abscess of the lung at the University of Texas Health Center at Tyler.

In Attorney General Opinion JM-705 (1987), this office examined the statutes that govern the University of Texas Health Center at Tyler. Originally, that hospital was a state tuberculosis hospital known as the East Texas Chest Hospital, and it treated only persons with tuberculosis. In 1977 the legislature transferred the hospital to the Board of Regents of the University of Texas System. See V.T.C.S. art. 3201a-4. Sections 1 and 7 of article 3201a-4 provide that the hospital shall continue to serve as a state tuberculosis hospital under the provisions of the Tuberculosis Code, article 4477-11, V.T.C.S. Section 9 of the Tuberculosis Code provides:

Patients admitted to State chest hospitals shall be two (2) classes:

- (1) Indigent public patients and
- (2) Non-indigent public patients.

(a) Indigent public patients are those who possess no property of any kind nor have anyone legally responsible for their support, and who are unable to reimburse the state. [T]his class shall be supported at the expense of the state.

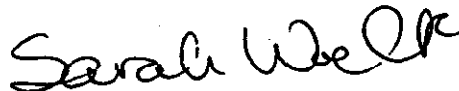
V.T.C.S. art. 4477-11, § 9.

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In Attorney General Opinion JM-705 we considered whether section 9 of the Tuberculosis Code applied to persons with heart conditions. We concluded that section 9 applied only to persons with tuberculosis and that section 9 did not make the treatment of persons with heart conditions at the Tyler hospital an expense of the state.

You do not tell us whether the lung condition of the indigent person in question was a consequence of tuberculosis. If not, treatment of the patient is not an expense of the state, and the county would be liable if the patient qualifies under the Indigent Health Care and Treatment Act, article 4439f, V.T.C.S.

Very truly yours,



Sarah Woelk  
Assistant Attorney General  
Opinion Committee

SW/bc

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