

*Cantor  
Birmingham  
Bartlett*

December 1, 1954  
Letter Opinion  
No. 54-264-L

Miss Jane H. Rider, Director  
Hospital Survey, Planning & Construction  
Arizona State Department of Health  
State Office Building  
Phoenix, Arizona

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**ARIZONA ATTORNEY GENERAL**

Re: Federal aid for hospital survey  
and construction

Dear Miss Rider:

This is in answer to your inquiry as to whether the State Department of Health may act as agent for the state in accepting federal aid under Public Law 725 as amended by Public Law 482.

Public Law 482, as you have stated, provides for the survey and construction of diagnostic and treatment centers, hospitals for the chronically ill and impaired, rehabilitation facilities, and nursing homes.

Section 68-136 to 68-145, inclusive, A.C.A. 1939, as amended, is the Arizona law called the "Arizona Hospital Survey and Construction Act".

Section 68-136, supra, defines hospitals as follows:

"68-136. Definitions.--As used in this act ( §§ 68-135 -- 68-145 ), unless the context otherwise requires:

\* \* \* \* \*

'Hospital' includes public health centers and general, maternity, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primary domiciliary care;" (Emphasis supplied)

\* \* \* \* \*

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It appears to us that a hospital for the chronically ill or impaired is specifically mentioned as part of the definition, and that the terms "rehabilitation facilities, nursing home and diagnostic and treatment centers" would be the "related facilities" mentioned in Section 68-136.

Section 68-144 authorizes the Superintendent of the State Department of Health, among other things, to:

"68-144. Powers and duties.--The superintendent shall:

\* \* \* \* \*

5. Accept on behalf of the state and deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and expend the same for such purposes."

\* \* \* \* \*

It is, therefore, our opinion that the State Department of Health may act as the state agency in accepting federal aid under Public Law 725 as amended by Public Law 482.

Yours very truly,

IRWIN CANTOR  
Assistant to the  
Attorney General

IC:vlh

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