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ARIZONA ATTORNEY GENERAL

June 25, 1984

Mrs. Merle L. Farmer
Superintendent
Pioneers' Home
Prescott, Arizona 85301

Re: I84-089 (R84-074)

Dear Mrs. Farmer:

This letter is in response to your inquiry concerning the scope of the responsibility of the Pioneers' Home ("the Home") for the health care of its residents. Specifically, you have asked whether the Home is financially responsible for care rendered by dentists, ophthalmologists, podiatrists and similar health practitioners and whether the Home has the power to require its residents to contribute for such services.

As you have observed, A.R.S. § 41-924.B specifies:

The superintendent shall admit persons to the home and shall see that persons admitted to the home are comfortably cared for, fed, clothed and furnished with necessary medical treatment.

Thus, the Home is responsible for the expense of health care of its residents.

A resident of the Home must contribute to the cost incurred by the State as a result of such person residing at the home according to a set formula which depends upon his financial ability to contribute and the average per capita cost of operating the home. Specifically, A.R.S. § 41-923.D provides:

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A person admitted to the Arizona pioneers' home shall pay to the state, to the extent that he is financially able to do so, the cost incurred by the state as a result of such person residing at the home. The cost shall be paid monthly to the superintendent and it shall not be in excess of the average monthly per capita cost of operating the home based on the number of persons then residing at the home. A person who neglects or refuses to reimburse the state as required under the provisions of this subsection shall not be permitted to reside at the home during the continuance of his neglect or refusal to pay. The provisions of this subsection shall be applicable only to those persons who are admitted to the home after the effective date of this section.

You have also asked about the Home's authority to require supplemental financial statements to determine whether a resident's financial condition has changed, thereby affecting the extent of that resident's obligation to contribute to the cost of his care. It is our understanding that your problem arises from changes in a particular resident's financial condition after that resident enters the Home. A particular resident may be deemed to be indigent at the time of entering the Home; however, due to changes in financial circumstances, that resident may acquire the necessary assets or finances to render him financially able to contribute to the cost incurred by the state as a result of his residence at the Home. Conversely, an individual may, upon entering the Home, be financially able to contribute to the costs incurred by the state, but, due to subsequent events, that individual may lose that financial ability.

A.R.S. § 41-923.D manifests a legislative intent to require residents of the Home to contribute to the cost of their care to the extent that they are financially able so long as it is not in excess of the average monthly per capita cost of operating the home based upon the number of persons then residing at the home. This obligation is ongoing although the extent of an individual's obligation may vary during his residence due to changing financial conditions. Because this

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obligation is ongoing and because a particular resident's financial circumstances may change, we believe that the legislature, in enacting this statute, gave the director of the Home the power to require that a resident, from time to time, submit updated financial statements concerning that resident's current financial condition in order to determine whether he is financially able to contribute to the cost of his care. The director of the Home has the implied power to promulgate rules and regulations to implement such requirements.

Very truly yours,



BOB CORBIN
Attorney General

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