

SCOTT WARREN JOHNSON
COUNTY ATTORNEY
COUNTY OF REEVES

1D# 14034
MJ

REEVES COUNTY COURTHOUSE
P.O. BOX 749
PECOS, TEXAS 79772
TELEPHONE (915) 445-5480

RA-247

October 22, 1991

Dan Morales
Attorney General
Supreme Court Building
Austin, Texas 78711-2548

RECEIVED

OCT 28 91

Opinion Committee

Dear Mr. Morales:

An opinion is hereby sought on the following issue:

Does the County Sheriff or County Commissioners Court have the legal authority to choose a physician and set schedules for medical services to be provided to inmates incarcerated in the County jail?

A brief is attached pursuant to the requirements of law.

Thank you in advance for your time and attention to this matter.

Very truly yours,



Scott W. Johnson

SCOTT WARREN JOHNSON
COUNTY ATTORNEY
COUNTY OF REEVES

REEVES COUNTY COURTHOUSE
P.O. BOX 749
PECOS, TEXAS 79772
TELEPHONE (915) 445-5480

BRIEF

A County Sheriff has responsibility for the day to day operation of the County jail. Local Government code 351.041. Texas Attorney General Opinion H-1190 (1978) Wichita County v. Vance, 217 S.W. 2d 702. County Commissioners exercise general oversight over the jail. Local Government Code 351.001. At issue herein is who chooses the physicians and sets schedules for medical treatment of the prisoners. While it would appear that Commissioners have a general duty to see that medical care is provided and paid for, it should be the Sheriff, who is familiar with the daily medical needs of the prisoners, who is responsible for choosing and scheduling the treating physician. In the event that a civil rights suit is filed for "deliberate indifference" to the medical needs of prisoners, it is generally the Sheriff who is held responsible. While the Texas Commission on Jail Standards has promulgated rules relating to the provision of the services (Jail Standards Rules 217.13, et seq.) it is not inconsistent to allow the Sheriff to implement the choice of physician and scheduling thereof.