

Mr. John T. O'Malley, Executive Secretary, Baltimore City Fire Department (continued)

be considered accidental. It was not until after Blue Cross had made payment that it was determined that this was an accidental case for which the Fire Department would bear the expense. Captain Ironmonger insists that payment be made to him, rather than to the hospital, and your present query is how you should deal with Mercy Hospital's bill to the Fire Department.

Under the circumstances as they have finally developed, it seems that under the Fire Department's policy of paying hospital bills directly to the hospital in accidental disability cases, the \$565.00 statement should be paid to Mercy Hospital by the Fire Department.

We do not intend to, nor do we contradict our opinion of November 17, 1958, in which we stated that the payment of such claims is not governed by or required under any "local compensation law" or by the State Workmen's Compensation Act, and we, therefore, question the stand taken by Blue Cross. However, as before stated, payment of expenses arising from accidental disability is a matter of policy determined by the Board of Fire Commissioners, and payment in this case would be in accordance with the Board's usual procedure in accidental disability cases.

Very truly yours,

/s/

HUGO A. RICCIUTI  
Acting City Solicitor

/s/

SHIRLEY B. JONES  
Assistant City Solicitor

R/J/A