

In accordance with these canons of interpretation and construction of statutes, each legislative act is to be interpreted with reference to other acts relating to the same subject and the same person or class of persons. The persons or class of persons under consideration are applicants for admission to the examination for a license to practice medicine and surgery. The subject in question is that of examinations and re-examinations.

We look, therefore, to other sections of the Medical Practice Act relating to applicants for admission to the examination, examinations, and re-examinations. In so doing, we find that Section 45:9-12 of the Revised Statutes provides in part, as follows, viz.:

“ . . . Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be re-examined at the next regular examination . . . ”

For the reasons above expressed, we construe Chapter 363 of the Laws of 1953 with reference to Section 45:9-12 of the Revised Statutes and by virtue of the provisions thereof advise that if the applicants under consideration failed to pass the October 1953 examination, they may be re-examined at the next regular examination.

Very truly yours,

THEODORE D. PARSONS,  
*Attorney General,*

By: FREDERIC G. WEBER,  
*Deputy Attorney General.*

DECEMBER 14, 1953.

HONORABLE GEORGE C. SKILLMAN,  
*Director of Local Government,*  
Commonwealth Building,  
Trenton 8, New Jersey.

FORMAL OPINION—1953. No. 54.

DEAR DIRECTOR:

You have requested our opinion as to whether a municipality can legally make a budget appropriation for all of the cost of a so-called Blue Cross Hospital Service Plan, to which a group of employees of the municipality have evidenced their desire to belong.

In my opinion, a municipality is not authorized to make such an appropriation.

The relevant provisions of the pertinent statutes read as follows:

“R. S. 40:11-15. In any municipality or county where the employees of the municipality or county have or shall have formed themselves into groups for the purpose of obtaining the advantages of a group plan of life insurance, or a group plan of health and accident insurance, or both, the governing body of the municipality or county, when written petitions and authorizations signed by the

employees as individuals, are filed with the receiving and disbursing officer of the municipality or county, may authorize, by resolution, the deductions specified in the written petitions and authorizations, and the payment of them to the designated fiscal agent of the group."

"N. J. S. A. 40:11-16.2. Whenever a group has or shall have been established in accordance with the provisions of section 40:11-15 of this Title, the governing body of the municipality in which the group or groups are formed may pay, as additional compensation to the individual members of the group or groups, a part or all of the premium on the group policy or policies."

"N. J. S. A. 52:14-15.9a. Whenever any person holding public office, position or employment, whose compensation is paid by this State or any county, municipality, school district or other political subdivision of this State, or by any board, body, agency or commission thereof, shall indicate in writing to the proper disbursing officer his desire to have any deduction made from his compensation for the payment of insurance premiums written on the group plan of accident and sickness insurance, or for any hospital service plan and medical-surgical plan, such disbursing officer shall . . . make such deduction from the compensation of such person, and such disbursing officer shall transmit the sum so deducted to the company carrying such insurance."

Title 17 of the Revised Statutes draws a clear distinction between health and accident insurance, which is regulated by Chapter 38 of that Title, and hospital service plans, which are regulated by Chapter 48. The risks insured against and the benefits received from the two types of insurance are entirely different, even though they may somewhat overlap.

The distinction between the two kinds of insurance is specifically carried over into the statutes above quoted. Thus in Section 52:14-15.9a, provision is made for payroll deductions from the compensation of municipal employees "for the payment of insurance premiums written on the group plan of accident and sickness insurance, or for any hospital service plan and medical-surgical plan." By contrast, Section 40:11-15 applies only to "a group plan of life insurance, or a group plan of health and accident insurance, or both." Since the only authority for payment of the premium on group policies as additional compensation to the individual members is found in Section 40:11-16.2, which in turn applies only to groups formed in accordance with Section 40:11-15, it seems clear that the Legislature has not as yet seen fit to extend the benefits of 40:11-16.2 to hospital service plans.

On the other hand, where hospital service benefits are written by a qualified insurer as a part of a group plan of health and accident insurance, it is my opinion that the premium may then be paid by the municipality as additional compensation, since the type of insurance provided would fall within R. S. 40:11-15. The mere inclusion of hospital benefits in a group policy of health and accident insurance does not, in my view, take such insurance out of the purview of R. S. 40:11-15.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General,*

By: THOMAS P. COOK,  
*Deputy Attorney General.*