

HOSPITALS: In order to qualify for State financial aid a County Memorial Hospital must be operated by the county and an amount equivalent to the sum of money sought in aid must be expended.

COUNTY MEMORIAL: HEALTH:

February 23, 1951

2-28-51

Honorable Walter L. Mulvania
Prosecuting Attorney
Atchison County
Rock Port, Missouri



Dear Mr. Mulvania:

This is in reply to your request for an opinion which is as follows:

"A question has been put to me in my representative capacity as County Attorney by members of the board of directors of the Fairfax Community Hospital, Inc., of Fairfax, Missouri, on the matter of the interpretation of Sections 184.290 and 184.300 of R.S. Mo. 1949.

"This hospital was organized as a private corporation to serve this county and surrounding area. Thereafter, a corporation was organized under the Educational and Charitable Act and known as the Community Hospital Association. The building which was constructed by the original corporation was leased to the latter corporation for operating purposes.

"The Board has been advised by members of the State Department of Health that the hospital could secure the state aid as provided in Section 184.290 by changing the name of the corporation to that of County Memorial Hospital. The question, therefore, is whether or not this hospital which has already been erected and is now in operation can qualify for the state financial aid allocated to a

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county eligible for it under this and the following section, and further, inqualifying for the aid, whether the county, as such, must expend at least that amount in connection with the purchase or erection of said hospital. As previously stated, members of this board were advised that, inasmuch as the hospital had already been erected, it would not be necessary for the county to match the amount of the state aid.

"I am interested in the correct interpretation of this new statute in properly advising the county court in the event there is a change of the name of the corporation, and as to the financial obligations of the county thereafter in supporting the hospital in the event that it became a county memorial hospital.

"Thanking you for any opinion you may render to me on this matter, I am"

Your opinion request in reality contains three separate questions and we divide it for convenience and clarity.

Your first question is whether or not the change of the name of the corporation from Fairfax Community Hospital, Inc. to County Memorial Hospital is sufficient to qualify the hospital for state financial aid as provided in Section 184.290, RSMo 1949. That section is as follows:

"Any county in this state, except as provided in section 184.300, shall be eligible to receive state financial aid to be paid from moneys appropriated therefor upon certification to the governor by the county court that such county has available an adequate sum of money to be used for the purchase or erection and the operation of a county memorial hospital, or a memorial addition to an existing county hospital, commemorating the services of our armed forces during World War II and

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upon certification to the governor by the director of the division of health of the state department of public health and welfare that the purchase or erection and operation of the proposed county memorial hospital, or a memorial addition to an existing county hospital, is, in his judgment, in the interest of public health and welfare and that sufficient funds are available to finance not only the purchase or erection of the memorial hospital, or a memorial addition to an existing county hospital, but also the operation of such hospital. State financial aid allocated to a county eligible for aid under the provisions of sections 184.290 and 184.300 shall be equivalent to the amount of money actually expended by the county in the purchase or erection of a memorial hospital, or a memorial addition to an existing county hospital, but in no case shall such state financial aid to any county exceed ten thousand dollars."

It would seem that this first question is sufficiently answered by the wording of the section which has been set out above. You will note that under that section only counties are eligible to receive state aid in connection with the purchase or erection of a memorial hospital. Therefore, in order for a hospital to qualify it would, of necessity, have to be one purchased or erected by a county. There is no provision for state aid to any other hospital regardless of ownership. The mere changing of the name would not make the hospital a county hospital.

You ask further, in the event of a change in the name of the hospital, whether or not the county assumes an obligation to the hospital. Unless there is a transfer of title, the county would be under no obligation toward this hospital. As stated above, under its present ownership, the hospital may not receive state aid. Unless it becomes in truth and fact a county hospital, there is no duty on the part of the county in connection with its operation.

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Your third question is whether or not a county qualifying for state aid to a hospital under Section 184.290, RSMo 1949, must expend at least some amount in connection with the purchase or erection of said hospital. You will note that Section 184.290 provides for state participation when a "county has available an adequate sum of money to be used for the purchase or erection and the operation of a county memorial hospital, or a memorial addition to an existing county hospital, * * * . State financial aid allocated to a county eligible for aid* * * shall be equivalent to the amount of money actually expended by the county in the purchase or erection of a memorial hospital, or a memorial addition to an existing county hospital, * * * ."

The plain wording of Section 184.290 is that the county must, in fact, expend an amount not to exceed Ten Thousand (\$10,000.00) Dollars in the purchase or erection of a memorial hospital, or an addition to an existing county hospital, to qualify for the aid. Therefore, under the facts that you set forth in this opinion request, it would be necessary for the county court to purchase the Fairfax Community Hospital from the corporation and to operate the said hospital as a county hospital in order to qualify for state aid.

The Legislature has provided for the operation of county hospitals through a board of trustees and has set out rather extensively the powers, duties and procedures to be followed by the county courts and the boards of trustees in the operation and maintenance of county hospitals, (Sections 205.160 - 205.370, RSMo 1949).

Therefore, in answer to this third question we state categorically that the county must expend an amount in connection with the purchase or erection of a county hospital equal to that for which it may qualify for state aid. It would also necessarily follow that in the event the county purchased the hospital from the Fairfax Community Hospital, Inc., it would then be the duty of the county court to maintain and operate the said hospital in accordance with the provisions of Sections 205.160 - 205.370, RSMo 1949. The corporation would necessarily be divested of control of the hospital if the county court should purchase the same.

CONCLUSION

Therefore, it is the opinion of this department that: 1) The mere naming of a hospital "County Memorial

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Hospital" is not sufficient to qualify such hospital for state financial aid provided by law unless thereafter the said hospital is, in fact, being operated by a county as a county hospital; 2) The county assumes no financial obligation for a hospital owned by a corporation which changes the name to "County Memorial Hospital", and 3) A county, in order to qualify for state financial aid for the purchase or erection and the operation of a County Memorial Hospital, or a memorial addition to a county hospital, must actually expend an amount equivalent to the amount of money sought in aid from the state, not to exceed Ten Thousand (\$10,000.00) Dollars.

Respectfully submitted,

JOHN R. BATY
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

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