

INSANE POOR: County and State may accept from relative or other person, by way of re-imbusement, money expended by them on insane poor patients.

X

(Returned letter from  
Baker and Baker - dated  
9/23/35.)

October 29, 1935.

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Mr. W. Ed. Jameson  
President Board of Managers  
State Eleemosynary Institutions  
Jefferson City, Missouri

Dear Sir:

This will acknowledge receipt of your letter requesting an opinion from this office, which reads as follows:

"There are cases in which patients are committed to our state hospitals for insane as county patients, but who in fact are not county patients because the counties are reimbursed by relatives or other persons for the expense incident to the care of such patients.

"As you are aware, under the old statute, all of the expense incident to the care of county patients was borne by the county, but under the new statute (Section 8636, page 388 Laws of Missouri 1935) such expense is divided between the county and state.

"Attached hereto is a letter recently received by me in which inquiry is made as to the proper method of reimbursing the county and the state under the new statute, for the care of a patient who was committed as a county patient but who in fact has never been a county patient, as the writer of the letter has always reimbursed the county for the expense incident to the care of this patient.

"This question was brought up for consideration at the recent meeting of the eleemosynary board, and it was the sense of the board that I should request an opinion from you on this question. Please let me have an opinion from your office at your earliest convenience, and return the attached letter with the opinion."

Section 8636, Laws of Missouri, 1935, page 388, which has repealed and superseded Section 8636, R. S. Mo. 1929, reads as follows:

"The several county courts shall have power to send to a state hospital such of their insane poor as may be entitled to admission thereto. The counties thus sending shall pay semi-annually, in cash, in advance, such sums for the support and maintenance of their insane poor, as the board of managers may deem necessary, not exceeding six dollars (\$6.00) per month for each patient; and in addition thereto the actual cost of their clothing and the expense of removal to and from the hospital, and if they shall die therein, for burial expenses; and in case such insane poor shall die or be removed from the hospital before the expiration of six months, it shall be the duty of the managers of such hospital to refund, or cause to be refunded, the amount that may be remaining in the treasury of such hospital due to the county entitled to the same; and for the purpose of raising the sum of money so provided for, the several county courts shall be and they are hereby expressly authorized and empowered to discount and sell their warrants, issued in such behalf, whenever it becomes necessary to raise said moneys so provided for."

Under the provisions of the above section, the county courts only have power to send to a State hospital their insane poor. It is mandatory upon the counties sending their insane poor to pay semi-annually in cash in advance

such sums for the support and maintenance of said insane poor as the Board of Managers may deem necessary, not exceeding \$6.00 per month for each patient; and in addition thereto the actual cost of their clothing and the expense of their removal to and from the hospital; and, if they shall die therein, their burial expenses. The State, in the Appropriation Bill, Section 460, page 177, allots to the four State hospitals an amount not to exceed \$12.00 per month for the support and maintenance of each insane pauper patient. Said section reads in part:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Two Million Four Hundred Thousand Dollars (\$2,400,000.00) for the years 1935 and 1936, payable to the Board of Managers of the Eleemosynary Institutions and to be by them, allotted to the four State Hospitals at a rate of not to exceed \$12.00 per month for the support and maintenance, (except the expense of clothing, removal to and from said Hospitals, and burial expense,) of each insane pauper patient, \*\*\*\*."

Section 8664, R. S. Mo. 1929, defines the term "insane poor" as follows:

\*\*\*\* terms 'insane poor' or 'indigent insane,' when applied to a person without a family, shall mean one whose property of all kinds does not exceed, after payment of his debts and liabilities, that which is exempted by the laws of this state from attachment and execution when owned by any person other than the head of a family; and the same words, when applied to a person having a family, shall mean one whose property of all kinds does not exceed, after payment of his debts and liabilities, that which is exempted by the laws of this state from attachment and execution when owned by the head of a family: Provided, that when the said words are applied to a married woman, her separate estate, if any, and that of her husband

shall be estimated as aforesaid, and the total amount of both estates shall determine the question aforesaid, whether she be a 'poor' person or not, within the meaning of this chapter. \*\*\*\*\*

Sections 8630, 8631, 8632, 8633 and 8634, R. S. Mo. 1929, provides for the admission of pay patients to a State hospital.

Section 8654, R. S. Mo. 1929, provides how a county patient may be made a pay patient. Said section reads as follows:

"If the county court of the proper county shall so order, the clerk thereof shall transmit to the superintendent a certificate, under his official seal, setting forth that any county patient in the state hospital from his county has sufficient estate to support and maintain him at the hospital. After the receipt of this certificate, the patient shall be a pay patient; and in such cases, charges shall be made out and paid and a bond shall be required and executed as in all other cases of pay patients; and upon a failure thereof, after reasonable delay, the superintendent shall discharge such patient in the manner as provided in this article in case of poor persons."

We think it plain from the above that a pay patient should be admitted to a State hospital according to the provisions of Sections 8630, 8631, 8632, 8633 and 8634. We think it is also clear that a county court has no power to send an insane person to a State hospital unless such person comes within the definition of "insane poor" as defined in Section 8664, supra; and that if the county court commits an insane poor person to a State hospital, they are liable to pay for the support and maintenance of such person, the amount specified in Section 8636, supra.

It is our further opinion that if the county court commits a person to a State hospital and later finds out that such a person has sufficient estate to support and maintain him at the hospital, that such county court should order the clerk to transmit to the Superintendent a certificate setting forth that such county patient has sufficient estate

to support and maintain him at the hospital under the provisions of Section 8654, supra.

We assume from your letter, for the purpose of this opinion that the patient in question was sent to a State hospital by the county court as an insane poor person and does not have sufficient estate to support and maintain him at the hospital, and proceed to answer your question which we understand to be "what is the proper method of a relative re-imbursing the county and State for the money expended by them for the care of an insane poor patient committed as a county patient?" As pointed out above, if the county sends an insane poor person to a State hospital they are liable for the support and maintenance of such person not to exceed the amount specified in Section 8663, supra. Likewise, the State has appropriated to the Board of Managers of Eleemosynary Institutions, \$2,400,000.00 to be by them allotted to the four State hospitals at a rate not to exceed \$12.00 per month for the support and maintenance of each insane poor patient. If a person committed to a State hospital is not an insane poor person, as defined by Section 8664, supra, of course the county and State should not be liable for his support and maintenance in such hospital. If, however, a patient is an insane poor person, then the county and State are liable for his support and maintenance in such hospital, and no person is legally obligated to reimburse the State for the money expended by them for the patient's support. If any person, whether a relative or not, desires to reimburse the county and State for money expended on any patient in the State hospital, we see no reason why the county and State should refuse to accept such reimbursement.

Under the provisions of Section 7028, R. S. Mo. 1929, the county court has the power and authority to receive any donation for the use and benefit of the county. Said section reads as follows:

"The said court shall have control and management of the property, real and personal, belonging to the county, and shall have power and authority to purchase, lease or receive by donation any property, real or personal, for the use and benefit of the county; to sell and cause to be conveyed any real estate, goods or chattels belonging to the county, appropriating the proceeds of such

sale to the use of the same, and to audit and settle all demands against the county."

Under the provisions of Section 8574, R. S. Mo. 1929, the Board of Managers of the State Eleemosynary Institutions has the power and authority to accept a gift or donation to the use and benefit of any of the State hospitals designated by the donor. Said section provides:

"The board of managers of the eleemosynary institutions shall have the care and control of the property, real and personal, owned by the state and used in connection with the several institutions, and the title to all real estate or personal property now owned by said eleemosynary institutions or by the state for their use or that may hereafter be purchased by, or donated to such institution, shall be vested in the board of managers, for the use and benefit of said institution; or in the event of a gift or donation to the use and benefit of either of said institutions as may be designated by the donor. The board of managers of said institutions shall not sell or in any manner dispose of any real estate belonging to either of said institutions without an act of the general assembly authorizing such sale or disposal of such real estate."

CONCLUSION.

In view of the above, it is the opinion of this department that the county court and the State Eleemosynary Board may accept by way of reimbursement from a relative or other person the amount of money expended by them for the support and maintenance of an insane peer patient confined in a State hospital.

Yours very truly,

APPROVED:

J. E. TAYLOR  
Assistant Attorney-General.

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JOHN W. HOFFMAN, Jr.  
(Acting) Attorney-General.