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BLIND PERSONS:

Missouri Commission for the Blind cannot expend money, for removal of physical ailments preparatory to eye operations, from its appropriations.

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February 5, 1936.



Mrs. Mary E. Ryder  
Executive Director  
Missouri Commission for the Blind  
4342 McPherson Avenue  
St. Louis, Missouri

Dear Mrs. Ryder:

This is to acknowledge your letter as follows:

"We endeavor to formulate all programs and policies governing our work according to the statutes creating the Missouri Commission for the Blind. If you will please refer to Section 8889, R. S. Missouri, 1929, Volume 2, Chapter 50, you will find - 'to adopt such measures as the commission may deem expedient for the prevention and cure of blindness.'

"It is that portion of the law from which our department for prevention of blindness emanated. The program of the department is to seek out and examine, hospitalize, operate and treat indigent persons needing care for their eyes; promote the education of isolated semi-seeing children and the organization of sight-saving classes; and conduct an educational and promotional program throughout the state concerning practices, which when applied, prevent blindness - - - to the extent that the appropriation for this purpose will permit.

"Many of the eye cases coming to our attention have other physical ailments, i. e. diseased teeth, tonsils, venereal disease, tuberculosis, diabetes, etc., which condition is in need of treatment before eye operation is a safe risk.

"Will you please give us your opinion as to whether any part of the appropriation made to the Missouri Commission for the Blind for prevention of blindness could be used for treatment of such ailments as mentioned?

"The prevention of blindness funds have never been used for such purposes, and I am wondering if we went unto the matter of arranging general physical examinations and the treatment of systemic conditions, even though the disease might affect the eye, if it would not be an infringement on the work of the State Board of Health or other health agencies. I shall appreciate your opinion as soon as possible."

Section 8889, R. S. Mo. 1929, provides in part as follows:

"The duties of said commission shall be \* \* \* \* to adopt such measures as the commission may deem expedient for the prevention and cure of blindness. \* \*"

You desire to know if said part of said section gives the Commission the right to pay moneys appropriated to said Commission for treatment of other ailments which might contribute to blindness.

The Commission for the Blind may only expend moneys appropriated to it according to the terms of the Appropriation Act, and referring to Section 3, Laws of Missouri, 1935, page

45, it is seen that the appropriation for the Missouri Commission for the Blind, Paragraph "D" captioned "Operation," provides in part as follows:

"General expenses \* \* \* \* \* hospital  
expenses incurred for eye operations.  
\* \* \*"

Nowhere in said appropriation act is it provided that the Commission may expend moneys to operate on a person for other physical ailments, such as diseased teeth, tonsils, venereal disease, tuberculosis, diabetes et cetera, preparatory to an eye operation. In fact, the only moneys the Commission for the Blind can expend out of its appropriation concerns that of expenses incurred for eye operations.

It is probably true that a person with diseased teeth or tonsils would be in a much better condition for an eye operation if such causes were removed. However, in our opinion, the expense of removing such tonsils, infected teeth or other ailments, could not be paid from the present biennial appropriation to the Commission.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY MCKITTRICK  
Attorney-General

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