

X

ELEEMOSYNARY: STATE HOSPITALS: May not decline to take patients of county if payments required by law have been made, even though county has outstanding debt for former patients.

September 2, 1939

9-5

FILED
45

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

Dear Mr. Jameson:

We are in receipt of your letter of August 31st wherein you state as follows:

"I enclose you herewith statement of an account of \$145.17 that has been due to State Hospital # 1 from Worth County, Missouri for several years.

I would, first, like to ask if it is within the province of the Eleemosynary Board or the superintendents of the State Hospitals in Missouri to deny admittance of any other patients until this account is paid.

If it is not within our province to decline to take patients from this county until their just debts are paid, we would be interested in having one of your Attorney Generals collect this account through legal process.

I would be very glad indeed if you would advise me in regard to this matter."

Mr. W. Ed Jameson,

(2)

September 2, 1939

Section 8636, Laws of Missouri, 1935, page 388, provides 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 (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 above section, the county courts may send such of their insane poor to a state hospital as may be entitled to admission thereto, provided they pay semi-annually in cash in advance for such patients.

Attached to your letter is a statement showing Worth County owing a balance of \$145.17 for the years 1933 and 1934.

Mr. W. Ed Jameson,

(3)

September 2, 1939

You inquire whether you may decline to take patients from Worth County until their just debts are paid.

Section 8672, R. S. Mo. 1929, provides as follows:

"It shall not be lawful for the superintendent or other chief officer of any state hospital to receive any person as an inmate in any such institution until the sum or sums required by law to be paid by any county, municipality, guardian, trustee or person for the support of such inmate has been paid into the treasury of such institution in the manner and within the time prescribed by law: Provided, that whenever any person has been received as an inmate of any such institution, and thereafter the county, municipality, guardian, trustee or person responsible for the support of such inmate shall neglect or refuse to pay, within the time and in the manner required by law or the rules and regulations of such institution, any installment required to be paid for the support of such inmate, it shall be the duty of the superintendent or the chief officer of such institution to return such inmate to the sheriff of such county or municipality, or to the guardian, trustee or person responsible for the payment of such installment, and at the expense of such county, municipality, guardian, trustee or person: Provided further, that it shall be the duty of the superintendent or other chief officer of such hospital to notify the proper authority or person thirty days in advance of the date when any such installment required for the support of such inmate is due."

Under the above section, the superintendent or chief

Mr. W. Ed Jameson,

(4)

September 2, 1939

officer of the state hospital may only decline to take a patient sent by Worth County when the necessary sum required by law to be paid by the county has not been paid "for the support of such inmate." The fact that the county has an outstanding debt of long standing, could not be interposed under the statute as a defense for failure to accept such patient, provided, the requirements as to "the support of such inmate" had been met. Under Section 8672, supra, the superintendent or chief officer of the state hospital had authority in 1933 and 1934 to return the inmate or inmates to the sheriff of Worth County at the expense of said county for failure to pay the installments provided by law upon the giving of proper notice.

From the foregoing, we are of the opinion that it is not within the province of the superintendents or chief officers of the respective state hospitals to deny admittance of patients to state hospitals where proper payments, under the statute, for said patients have been made for them by the county, even though said county may have an outstanding account for care of former patients.

If the county refuses to pay the outstanding account upon demand it will be necessary to resort to legal process, and if you desire, we will be pleased to handle this matter for you.

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

MW:VC