

COUNTY: ~~Not~~ liable for hospital expense of person committed to Missouri Training School.

June 20, 1939



Mr. J. E. Matthews, Director
Department of Penal Institutions
Jefferson City, Missouri

Dear Mr. Matthews:

We are in receipt of your letter of June 16th, together with attached correspondence. Your letter is as follows:

"Attached is a copy of a letter from Mr. R. E. Stone, Superintendent of the Missouri Training School for Boys, Boonville, a copy of Mr. Stone's letter to Mrs. Vernie Goff Bryson, who is evidently a Juvenile Officer in Jasper County, and a copy of Mrs. Bryson's letter to Mr. Stone, relative to the case of inmate Lawson Fanning, an inmate at the Missouri Training School recently received from Jasper County, who had a fractured leg when he was received at the Institution.

I am sending copies of these letters and I think they fully explain the apprehension, injury received by this boy and how it was handled, however, the question is whether or not the cost of hospitalization and medical services required on this boy's leg should be borne by the Missouri Training School or by Jasper County.

We have authorized our Superintendent to give this boy all of the medical attention necessary since the Institution received him in this condition. However, we believe the cost should be borne by Jasper County and would appreciate receiving an opinion from you covering this case."

For a fuller statement of the facts, we set out Mr. Stone's letter addressed to you under date of June 12th, as follows:

"I am attaching copies of correspondence concerning Lawson Fanning, because I think a legal question is involved here that needs interpretation and instruction for us for future guidance.

As I get the story, this boy came into Missouri from Eureka Springs, Arkansas, and stole a car. He was in custody only a few days when he was sentenced to this school, and regardless of the fact that the boy's statement disagrees with that of Mrs. Bryson's, the fact remains, nevertheless, the boy's leg was fractured while in Jasper County. It may be the physician there was conscientious in his examination, but on the face of it it doesn't appear to have been a thorough one. To me it looks like a case of panning off to the State of Missouri a subject of Arkansas, and that Jasper County is attempting to avoid the expense. The condition of the boy's ankle is such that we authorized Dr. Winn to make the correction, and the \$150 approximate expense referred to, provided Dr. Winn receives a small surgical fee. This, of course, will be eliminated if the State bears the expense.

We have had a few similar instances of this, but nothing of such seriousness. But it would be well if a ruling could be set up so it would dispell any arguments as to whose responsibility it is. Will you please therefore advise us as quickly as possible how we are to proceed on this and similar matters."

Your "question is whether or not the cost of hospitalization and medical services required on this boy's leg should be borne by the Missouri Training School or by Jasper County."

Section 8358, R. S. Mo. 1929, provides that each county in the state is to make certain payments to the State Prison Board for each person committed to the Missouri Training School for Boys, in part as follows:

"There shall be paid to the State Prison Board the sum of fifteen dollars per month for the support, maintenance, clothing and all other expenses of each person committed to said reformatory, from the time of his reception into said institution until his discharge therefrom: * * *."

"Expense" is defined as "the laying out or expending of money or other resources". (Standard Dict.) See also, 12 Am. & Eng. Ency. (2d Ed.) 394.

To determine whether the general words "all other expenses" would include necessary medicine and the services of a physician, we must resort to the rule of "ejusdem generis", which is stated in the case of Puritan Pharmaceutical Co. v. Pennsylvania Railroad Co., 77 S. W. (2d) 508, 230 Mo. App. 848, to be:

"that, where general words in a statute follow specific words, designating special things, the general words will be considered as applicable only to things of the same general character as those which are specified."

The specific words in the statute are "support, maintenance and clothing".

In the case of Eastland v. Williams Estate, 45 S. W. (Texas Civ. App.) 412, 1. c. 415, the court said:

"We think that necessary medicines and the services of a physician in sickness should be classed under the head of 'maintenance'. See Webst. Int. Dict., Black Law Dict., and And. Law Dict. 'Maintain', 'Maintenance'."

Applying the foregoing rule of ejusdem generis, it is evident that the payment required of the county court to the prison board for each person sent to the reformatory includes medicine and the services of a physician. We are therefore of the opinion that the cost of hospitalization and medical expenses required on the boy's leg should be borne by the Missouri Training School and not by Jasper County.

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General