

APPROPRIATIONS: No authority to pay doctor bill of
ELEMOSYNARY INSTITUTIONS: employee injured in course of employment.

June 2, 1941

6-3



Mr. Ira A. Jones
President, Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Mr. Jones:

We are in receipt of your request for an opinion under date of May 23d, wherein you state as follows:

"About two months ago a patient at State Hospital No. 1, Fulton, became unuly excited and attacked a nurse. The nurse was very badly injured and later died. The injury was a head injury and of course we do not have any brain surgeons on our staff. A surgeon from Kansas City was called. He came there and operated on the nurse, but could not save her life. Later he sent a bill for \$500 with a professional discount of \$250, leaving a balance of \$250. The member of our Board who is a physician says that this is not an excessive charge for such an operation. Can we legally pay this surgeon for this operation and out of what fund may we pay it?"

We find no provision in your appropriation act or in the statutes governing state eleemosynary institutions which would authorize the Board of Managers to pay the doctor bills of an employee injured in the course of employment.

Mr. Ira A. Jones

-2-

June 2, 1941

Section 19, Article X, of the Missouri Constitution, provides in part that:

"No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law; * * * * *"

It is unnecessary that we determine the question of whether an appropriation allowing the incurring of a debt by the Board of Managers in payment of expenses of an employee injured in the course of employment, would be valid, since we find no appropriation act authorizing same.

We are, therefore, of the opinion that the Board of Managers of state eleemosynary institutions may not legally pay the cost of an operation of an employee injured in the course of employment.

Respectfully submitted,

MAX WASSERMAN
Assistant Attorney-General

APPROVED:

VANE C. THORLO
(Acting) Attorney-General

MW:EG