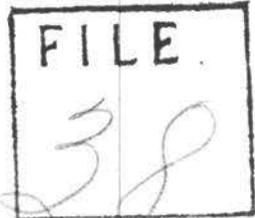


STATE CANCER
HOSPITAL:

Inmate in other State Institution becoming
infected with cancer, must be returned to
county of his legal residence in order that
county court may comply with Section 15149
R. S. Missouri, 1939.

April 30, 1942

Miss Dorothy A. Hehmann,
Executive Director
Cancer Commission
3713 Washington Blvd.
St. Louis, Missouri



Dear Miss Hehmann:

We are in receipt of your letter of recent date,
in which you request an official opinion, as follows:

"The Ellis Fischel State Cancer Hos-
pital received a letter from the
Superintendent of the State Soldier's
Home of Missouri in St. James, relative
to the admittance of a woman whose ill-
ness has been diagnosed as cancer. This
woman has been a resident of the Soldier's
Home for seven years. Originally she
lived in St. Louis.

"It is our understanding that no patient
can be admitted to the hospital as a
patient without an application from the
county court of residence of the patient.
The present question is what is con-
sidered the place of residence of this
patient: namely, the City of St. Louis
where the patient originally lived, or
Phelps County, where the patient has lived
in the Soldier's Home for the past seven
years?

"Also, it has occurred to us the State
statutes might provide that individuals

in one State institution can be transferred to another State institution temporarily for treatment, without a Court order."

In reply to the above request, we call attention to Section 15149 R. S. Missouri, 1939, which provides, in part, as follows:

"Whenever the existence of a case described in section 15148 of this chapter shall come to the notice of the sheriff, health officer, public health nurse, peace officer, or any other public officer, or any physician or surgeon, it shall be his duty to, and any other person may, file with the judges of the county court of the county of the legal residence of such person, or if such person be a resident of the city of St. Louis, then with the corresponding authority of said city, and application for the treatment of such person at the state cancer hospital. * * * Upon the filing of such application, the judges of the county court shall make investigation in such manner as they shall deem advisable, * * * . If, upon filing said report, the judges of the county court shall be satisfied that the patient is one who should be treated at the state cancer hospital and that the person to be treated, or his parent, guardian, trustee or other person having legal custody of his person in case of a minor, is not financially able to provide such person with proper treatment, the judges of the county court shall enter an order finding such facts. * * * Upon the entry

of the order of the judges of the county court, approving said application, they shall communicate with the administrator of the state cancer hospital and ascertain whether or not the applicant can be received as a patient. * * * the necessary expense incident thereto to be chargeable to the county of residence of the patient. A copy of each application and a copy of the report of the physician and court order in each case shall be sent to the administrator of said hospital." (Under-scoring ours.)

From a reading of Section 15149, as well as the other sections contained in Chapter 125 of the Revised Statutes of Missouri, 1939, it will be noted that the legislature has set up a complete procedure for the admittance of an indigent person into the State Cancer Hospital. It will also be noted from the reading of Section 15149, supra, that it is incumbent upon the county court of the county of which the patient is a legal resident to first determine whether or not the person is indigent, and, secondly, whether or not such person shall, in the discretion of the court, be entitled to treatment in the State Cancer Hospital. Further, if said court is satisfied that the person is indigent and needs treatment, then it shall make an order sending the patient to the State Cancer Hospital for examination, and the necessary expenses incident thereto shall be paid by the county. Also, it will be noted from the reading of the other several sections contained in Chapter 125, supra, that there does not appear any section which gives the superintendent of any state hospital, or institution, authority to transfer one of its patients to the State Cancer Hospital, directly.

Hence, we must conclude that where a person is an inmate of a state institution, and becomes infected

with a cancer that such inmate must follow the same procedure as any other citizen of the county, as set out in Section 15149, supra. Further, it may be pointed out that Section 15150 R. S. Missouri, 1939, provides as follows:

"The state cancer hospital shall not make any charge directly to a patient admitted on certificate of the judges of the county court as heretofore outlined, but shall make a charge against the county from which said patient is sent only for the necessary maintenance and supplies used for the benefit of said patient." (Underscoring ours.)

CONCLUSION

It is, therefore, the conclusion of this department that where an inmate of a state institution becomes infected with cancer such person must be returned to the county court of the county of which said person is a legal resident, and that said court must follow the procedure as outlined in Section 15149, supra, as if said person were making an original application for admittance and treatment in the State Cancer Hospital.

It is further our opinion that said county shall, under Section 15150, supra, pay for necessary maintenance and supplies used for the benefit of said patient, who must be indigent.

Respectfully submitted

APPROVED:

B. RICHARDS CREECH
Assistant Attorney General

ROY McKITTRICK
Attorney General of Missouri

BRC:RW