

INSANE PERSONS: Two classes of patients, county and private.  
Private patient may not be supported by  
payment to county the amount it pays to  
State for support as county patient.

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October 6, 1943



Mr. Thomas G. Woolsey  
Prosecuting Attorney  
Cooper County  
Boonville, Missouri

Dear Sir:

This is to acknowledge receipt of your letter of recent date in which you request the opinion of this department. Your letter is as follows:

"Section 9358, Revised Statutes of Missouri, 1939, defines the term 'insane poor.' Section 9328 provides for the commitment of insane poor to State institutions where they shall be maintained at the expense of the county. My attention has been called to this situation:

"In 1926 a mother of two minor children was committed to the State hospital at Fulton where she has since remained as a county patient. The sons of this woman have for many years been reimbursing the county in the sum of \$72.00 a year for the maintenance of their mother in Fulton. They are not insolvent; on the contrary, they are possessed of considerable property, and I am told that the mother also owns property in Cooper County. If this be true, then she is not an indigent insane person under the law.

"Query: Shall the County Court continue to pay the expenses of the maintenance of this woman in the State hospital and in turn be reimbursed by the sons?"

From your letter we understand that a patient was committed by the County Court of Cooper County to State Hospital No. 1 at Fulton, Missouri, as a county patient and the sons of the patient pay to Cooper County the sum of \$6.00 per month, or \$72.00 per year, which is the amount the county pays to the State Hospital for the support and maintenance of each of its insane poor as provided in Section 9328, R. S. Mo. 1939. \$6.00 is the maximum amount to be paid by the county for the support of each insane patient and is the sum now fixed by the State Eleemosynary Board for such support.

There are two classes of patients that may be sent to the State hospitals of Missouri, namely, pay patients, and county patients.

Pay patients are defined by Section 9322, R. S. Mo. 1939, as follows:

"Pay patients, or those not sent to the hospital by order of the court, may be admitted on such terms as shall be by this article and the by-laws of the hospital prescribed and regulated."

Such patients, sometimes called private patients, shall only be admitted upon the payment of at least ninety days' charge in advance and a sufficient bond to secure the payment of charges incurred in behalf and on account of said patient, and necessary clothing shall be furnished in addition thereto. The amount of the advance payment and the required bond is prescribed by rules and regulations of the Board of Managers of the State Eleemosynary Institutions within the limits of the statutes, Sections 9323 to 9327, inclusive, R. S. Mo. 1939.

County patients are those of the insane poor, or indigent insane, who have the other necessary qualifications to be admitted to the State hospital, who have not sufficient estate to support them at the State hospital for the insane. Section 9328, R. S. Mo. 1939, et seq.

We do not find that there are any other classes of insane persons who may be sent to State hospitals. The patient is

either a private patient or a county patient. There is no provision in the law for a part county patient and a part pay patient.

So far as we are able to find there is no statutory authority for the county to permit a patient to be sent as a county patient and then by some other arrangement allow someone else to reimburse the county for the amount paid to the State hospital for the keep of the patient.

Prior to the re-enactment of Section 8636, R. S. Mo. 1929, by the Laws of Missouri 1935, page 387, the maximum amount paid by the county for the support and maintenance of their insane poor was \$18.00 per month. Under the present statute, Section 9328, R. S. Mo. 1939, the maximum amount paid by the county is \$6.00 per month for each patient. It will, therefore, be seen that the burden of caring for the indigent insane by the amendment of 1935 was shifted, to the above extent, from the county to the State.

You also state in your letter that you are informed that the insane patient owns property in Cooper County, although you do not state the amount, or whether she would come within the terms of Section 9358 R. S. Mo. 1939, which might make her a pay patient. Of course, it is a question of fact to be determined by the county court whether or not a patient belongs to the class of indigent insane persons who are entitled to receive care and maintenance at a State hospital at public expense, or whether the patient is in fact a pay patient. If, upon an investigation by the proper authorities it is determined that the county patient is in truth and fact a pay patient, it is then the duty of the county court to order the transfer as provided in Section 9347, R. S. Mo. 1939, from a county patient to a pay patient.

#### CONCLUSION

It is, therefore, our opinion that there is no statutory authority for the county to pay \$72.00 per year to the State hospital for the support and maintenance of an insane person and then, by an outside arrangement, permit other persons to reimburse the county for the amount that the county has paid to the State and the State be required to assume the balance for the support and maintenance of the insane patient.

Respectfully submitted,

APPROVED:

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ROY MCKITTRICK  
Attorney-General

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