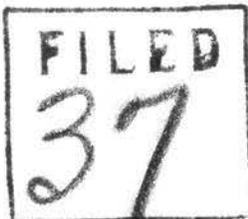


BOARDING HOMES FOR CHILDREN: The home for children, known as the Con-
vent of the Good Shepherd, located at
SENATE BILL NO. 41: 3801 Gravois Avenue, St. Louis, Missouri,
is not subject to the provisions of Senate
Bill No. 41, enacted by the 69th General
Assembly of Missouri.



July 29, 1957

H. M. Hardwicke, M. D.
Acting Director
Division of Health
Jefferson City, Missouri

Dear Sir:

Your recent request for an official opinion reads:

"Would your office be good enough to ren-
der us an opinion as to whether 'Boarding
homes for children' as characterized by the
Convent of the Good Shepherd located in St.
Louis, Missouri, are subject to the provi-
sions of Senate Bill No. 41 as enacted into
law. The reason that institutions of this
type present a problem is that they do not
render nursing care nor offer medical at-
tention to their resident children. In point
of fact, it is our understanding that they of-
fer only re-education of the child, in addi-
tion to food, shelter and laundry.

"We have assumed that homes offering nursing
and medical care to retarded convalescent or
chronically ill children do come under the
intent of the nursing home licensing law. On
a basis of this understanding we are requir-
ing such homes to meet all provisions of the
law."

Senate Bill No. 41, enacted by the 69th General Assembly
and signed by the Governor, repealed and re-enacted an act found
in Laws of Missouri 1955, page 698, which in turn repealed Sec-
tions 198.010 through 198.070, RSMo 1949. These sections, found
in the Revised Statutes of Missouri, 1949, were enacted in 1941
and are to be found in Laws of 1941, page 368. The title of
this original Bill read:

"AN ACT to provide for the licensing of conva-
lescent, nursing, shelter or boarding homes for
aged, chronically ill or incurable persons, and
for the terms and fees of such licenses and the

H. M. Hardwicke, M. D.

revocation thereof; requiring written application for such license; providing for inspection of the licensed premises; authorizing the State Board of Health to prescribe general rules and regulations and providing penalty for the violation thereof."

We believe that the title to the original Bill, quoted above, remains the title to the current Bill, Senate Bill No. 41. The title to the original Bill was limited to nursing homes for the aged, chronically ill or incurable persons. We believe that such limitation would be applicable to the present Bill.

In this regard, we direct attention to Section 23 of Article III of the Constitution of Missouri, which reads:

"No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated."

CONCLUSION

It is the opinion of this department that the home for children known as the Convent of the Good Shepherd, located at 3801 Gravois Avenue, St. Louis, Missouri, is not subject to the provisions of Senate Bill No. 41, enacted by the 69th General Assembly of Missouri.

The foregoing opinion, which is hereby approved, was prepared by Assistant Attorney General Hugh P. Williamson.

Yours very truly,

John M. Dalton
Attorney General

By

Robert R. Welborn
Assistant Attorney General