

COMPACT ON MENTAL HEALTH:

Responsibility for payment of the cost of maintenance and care of an indigent resident of Missouri transferred to a Missouri State Hospital from another state where the Missouri county of residence is determinable rests upon such county; that where such county of residence cannot be determined, the cost of such maintenance is upon the Missouri State Hospital to which such patient has been committed.

Where a nonresident of Missouri is accepted under the provision of the Interstate Compact on Mental Health for treatment in a Missouri State Hospital that the cost of such care and maintenance should be paid out of appropriations made to the Division of Mental Diseases of the Department of Public Health and Welfare.

January 11, 1960

Honorable Addison M. Duval, M.D.  
Director, Division of Mental Diseases  
State Office Building  
Jefferson City, Missouri



Dear Mr. Duval:

On October 6, 1959, you wrote to this office for an opinion request supplementary to a prior request by you. Your supplementary request reads:

"1. Who is responsible for payment of the cost of maintenance and care of an indigent resident of Missouri transferred to a Missouri state hospital from another state (a) where the county of residence is determinable, or (b) where the county of residence cannot be determined?

"2. In an instance where a non-resident of Missouri is accepted under the Compact for treatment in a Missouri state hospital, is it proper to pay to such hospital the cost of care and maintenance from moneys appropriated to effect the Missouri Interstate Mental Health Compact as provided in Section 4, Article 14?"

Our answer to your question 1(a) is that the cost of maintenance, in instances where the county of residence is determinable, is upon such county.

In the situation which you set forth there is no question of the patient being a patient of any institution other than the Missouri institution, after his transfer to the Missouri institution has been effected. Subsection (a) of Article VII of Section 1,

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H.B. 47, 70th General Assembly, Section 202.880 V.A.M.S. provides:

"No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state."

We have, however, a situation in which a resident of a Missouri county is a patient in a Missouri mental hospital. This department has held that in such a situation the cost of maintenance is upon the county of residence. We so held in an opinion rendered May 31, 1956, to Hon. James L. Paul, Prosecuting Attorney of McDonald County, a copy of which is enclosed.

Your question 1(b) is where responsibility for maintenance lies in instances where the county of residence cannot be determined. In such a situation it is obvious that the cost must ultimately be borne by the State of Missouri since there is no other source to bear such cost. We believe in this instance that it is clear that such cost would be borne by the state hospital to which the patient in question has been committed, out of the appropriation made for the operation of the state hospital, which of course, is an agency of the state of Missouri. We so held in an opinion rendered April 25, 1946 to Dr. W. J. Cremer, a copy of which opinion is enclosed.

We believe that the answer to question 2 is that in the situation set forth in such question it is proper to pay to the hospital in which such patient is maintained the cost of maintenance from moneys appropriated to effectuate the Missouri Interstate Mental Health Compact as provided in Section 202.887 V.A.M.S. This section reads:

"All expenditures necessitated under the provisions of this act shall be paid out of the appropriations made to the Division of Mental Diseases of the Department of Public Health and Welfare."

Obviously the expenditure in the instant situation is one which is "necessitated under the provisions of this act . . ."

#### CONCLUSION

It is the opinion of this department that responsibility for payment of the cost of maintenance and care of an indigent resident

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of Missouri transferred to a Missouri state hospital from another state where the Missouri county of residence is determinable rests upon such county; that where such county of residence cannot be determined, the cost of such maintenance is upon the Missouri state hospital to which such patient has been committed.

It is the further opinion of this department that where a nonresident of Missouri is accepted under the provision of the Interstate Compact on Mental Health for treatment in a Missouri state hospital that the cost of such care and maintenance should be paid out of appropriations made to the Division of Mental Diseases of the Department of Public Health and Welfare.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Hugh P. Williamson.

Yours very truly,

John M. Dalton  
Attorney General

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Enclosures