

December 10, 1962



J. P. Russell, M.D.
Director, Hospital and Technical Services
Division of Health
Jefferson City, Missouri

Dear Dr. Russell:

Your inquiry raises the question of whether Section 199.040, RSMo 1959, applies to recalcitrant tuberculosis patients committed under Sections 199.170 to 199.270, inclusive.

Section 199.040, provides the respective counties shall be liable for the cost of free patients up to a maximum of Seven Dollars and Fifty Cents. Presently, this amount is collected from the county, deposited in the earnings fund and then appropriated as state funds for the maintenance and operation of the sanatorium during the biennium.

Section 199.250, paragraph 2, provides that:

"The expenses incurred in the care, maintenance, and treatment of patients committed to the Missouri state sanatorium under provisions of sections 199.170 to 199.270 shall be paid from state funds appropriated for the maintenance and operation of the Missouri state sanatorium."

It is our understanding that in all cases arising under the new commitment law, thus far, the county involved has paid its share as provided in Section 199.040. In other words, no distinction has been made between free patients entering the institution voluntarily and free patients committed under the new provisions.

J. P. Russell, M.D.

-2-

We believe that this procedure is correct. The legislature has provided in Section 199.040 the maximum extent of county liability for tuberculosis patients. We do not believe any distinction in this respect is indicated either in Section 199.040 or the new commitment law. Paragraph 2 of Section 199.250 does provide that expenses under the new law shall be paid from appropriated state funds. We believe this merely indicates the budgetary procedure to be followed and does not modify the obligation of the county as to free patients who may have become recalcitrant.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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