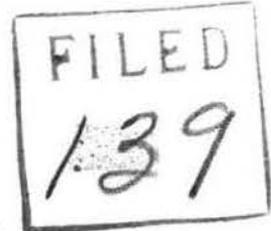


July 1, 1964



George A. Ulett, M. D.  
Director, Division of Mental  
Diseases  
722 Jefferson Street  
Jefferson City, Missouri

Dear Dr. Ulett:

This is in response to your letter of March 12, 1964, requesting an opinion of the Attorney General on the question of whether the Division of Mental Diseases of the Department of Public Health and Welfare of Missouri could be legally designated as the "State mental health authority" for the State of Missouri to receive and utilize Federal grants under the Federal Public Health Service Act.

The Constitution of Missouri, Article III, Section 38(a), states:

" \* \* \* Money or property may also be received from the United States and be redistributed together with public money of this state for any public purpose designated by the United States."

The Legislature has appropriated to the Division of Mental Diseases of the Department of Public Health and Welfare for the biennium ending June 30, 1965, all allotments of Federal funds received for the use of the Division in carrying out the Federal provisions of the mental health program.

George A. Ulett, M. D.  
Director, Division of Mental  
Diseases

July 1, 1964

Laws of Missouri, 1963, pages 32 and 35, provides as follows:

"There is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period beginning July 1, 1963 and ending June 30, 1965, as follows:

\* \* \* \* \*

"Section 5.140. Division of mental diseases--  
research grant award.--To the Division of  
Mental Diseases

"For Research Grant Award

"All allotments, grants and contributions from the federal government, private foundations, or pharmaceutical companies paid into the state treasury under the provisions of the 'Research Grant Award' under Section 301 (d) of the Public Health Service Act, as amended, or any other acts of Congress which provide federal funds or funds from any other source for the use of the Division of Mental Diseases in carrying out the federal provisions of the Mental Health Program.

"From Federal Funds"

Turning to the Federal Public Health Service Act, 42 USC 201 (m) thereof provides:

"The term 'State mental health authority' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for administering the mental health program of the State, it means such other State agency."

George A. Ulett, M. D.  
Director, Division of Mental  
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That the Division of Mental Diseases is the single state agency charged with the responsibility for administering the mental health program of the state appears in Section 202.020, RSMo. 1959, in the following language:

"The division of mental diseases of the state department of public health and welfare shall have the care and treatment of persons suffering from mental diseases \* \* \*"

It follows that the Division of Mental Diseases may properly be designated as the Mental Health Authority under the Public Health Service Act.

It is our view that the Division of Mental Diseases of the Department of Public Health and Welfare of the State of Missouri may be legally designated as the Mental Health Authority for the State of Missouri for receiving and using Federal funds under the Federal Public Health Service Act.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

cc: Dr. Hardwicke  
C. Rouss Gallop, Director  
Department of Public Health  
and Welfare