

Cross Index Opinion No. 235 (1964)
 Opinion No. 1 (1964)
 Opinion No. 434 (1963)
 Answered by Letter (1 question)

235

June 19, 1964

FILED
235

Honorable Frank Conley
Prosecuting Attorney
Boone County
Columbia, Missouri

Dear Mr. Conley:

This is in answer to your request for an opinion concerning the bond of the administrator of the Boone County Hospital.

Your question is as follows:

"It has been determined that a blanket bond covering all employees and the administrator can be obtained for about the same amount of premium as would be required for a bond covering all employees except the administrator. The statutes now in force provide that the administrator of the hospital must provide his own bond at his own expense. Since he can be included at very little additional charge on the blanket bond covering all hospital employees, can the hospital board include the administrator in the blanket bond without any cost to the administrator, or without a cost of more than the difference of what the administrator's bond alone would cost as compared to the cost of bonding all employees?"

Section 205.190-4 RSMo. 1963 Supp. provides:

"* * * The board shall provide by regulation for the bonding of the superintendent or matron and may require a bond of the secretary of the board and of any employee of the hospital as they deem necessary. The costs of all bonds required, except that required of the superintendent or matron, shall be paid out of the hospital fund. * * *"

The statute requires that the superintendent or matron be bonded. It authorizes the board, in its discretion, to bond the secretary of the board and any other employee of the hospital. It directs that the costs of the bonds required by the board shall be paid from hospital funds. The language then contains the provision "except that required of the superintendent * * *". This language does not expressly say that the hospital may not pay the premiums on the bond of the superintendent or matron but it does imply that hospital funds may not be used to pay premiums on the bond of the superintendent. The legislative intent appears to be that the cost of the bond for the superintendent or matron cannot be paid out of hospital funds.

The real problem is whether the superintendent or matron can be included in the blanket bond and can reimburse the hospital fund the difference in the premium when the superintendent or matron is included and when he is not. When this act was passed by the legislature, it was well aware of the quite common use of blanket bonds and the cost elements involved. If the legislature had intended that the superintendent or matron might be included in a blanket bond and might reimburse the hospital for the excess cost thereof, some suitable language to convey that intent would have been used. We think the legislative intent was that the superintendent or matron should be required to procure a separate bond and himself pay the cost thereof.

Yours very truly,

THOMAS F. EAGLETON
Attorney General