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OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

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OPINION LETTER NO. 122

Harold P. Robb, M.D., Director
Department of Mental Health
Post Office Box 687
Jefferson City, Missouri 65101

Dear Dr. Robb:

This letter is response to your question asking:

"Do benefits such as state welfare, social security, veterans' benefits, etc. received by or on behalf of patients (who may be either on extended care or inpatients) reduce or eliminate charges to counties because the amount received by, paid on or in behalf of patients (who otherwise would be supported by counties as either senile patients or county indigents under Section 202.863 and 202.480 RSMo.) exceeds that amount that would be paid by the county to the state?"

Section 202.480, RSMo, provides in full:

"1. Beginning in January, 1949, on or before the last day of each month the superintendent and his staff in each of the state hospitals shall determine if any patient in the hospital, who was admitted for the first time on or after January 1, 1949, is a senile custodial care case. The decision of the superintendent and his staff on such question shall be final. When it has been so determined that

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any patient is a senile custodial care case the superintendent shall immediately notify the county court of the county from which the patient came by certified mail.

"2. It shall be the duty of the county court to remove such person from the state hospital and to make necessary arrangements for such person's care. If the patient has not been removed within thirty days after the certified notice has been received by the county court, the charge per month shall automatically become a sum fixed by the division, not to exceed nine percent of the actual cost to the state less whatever amount is paid by or in behalf of the patient instead of the amount paid by the county courts for support of their indigent mentally ill or retarded in facilities of the division until the patient is removed.

"3. For the purposes of this section, 'a senile custodial care case' shall mean a person who is suffering from a mental derangement as a result of old age but whose needs are such that he can be cared for by ordinary home care methods." (Emphasis added).

Subsection 4 of Section 202.863, RSMo, which is applicable to inpatient county charges, provides:

"4. The county of residence of a county mentally ill or retarded inpatient shall pay semiannually in cash, in advance, for the support of such patient a sum fixed by the division, not to exceed three percent of the actual cost to the state less whatever amount will be paid by or in the behalf of the patient. Upon the death or removal of a county patient from the facility the superintendent shall refund to the county the amount that may remain unexpended for his care and treatment. The county of residence shall pay for other than inpatient service quarterly after the service is rendered three percent of the actual cost to the state less whatever amount has been paid by or in behalf of the patient. For the purpose of raising the sums of money

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required for the care of county patients, the county courts of the several counties are authorized and required to discount and sell their warrants whenever it becomes necessary." (Emphasis added).

It is our view that the legislature intended, by the use of the underscored language, that the Department deduct from the amount due from the counties the sums received from any other source on behalf of the patient, including welfare, social security and veterans' administration benefits.

Thus, if the amounts so received on behalf of the patient exceed the amounts chargeable to the counties under such sections the counties should not be charged for such patients.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General