

CANCER COMMISSION: County courts may be billed for patients at cancer clinics at State Hospitals Nos. 1 and 2 and said funds when allowed by county courts must be paid to the State Treasurer.

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State Cancer Commission
3713 Washington Boulevard
St. Louis, Missouri

Attention: Miss Dorothy Hermann, Executive Secretary

Gentlemen:

This department wishes to acknowledge receipt of your letter of recent date which is as follows:

"Please advise us whether we may begin billing the various counties under Section 11 of the Laws of Missouri, 1937, p. 499, for patients admitted to the cancer clinics established at State Hospital Nos. 1 and 2 and how the funds collected are to be disposed of."

By "cancer clinics" we assume that you are not referring to the cancer clinics authorized under Section 13 of the Cancer Act, Laws of Missouri, 1937, p. 499, in part as follows:

"The Cancer Commission of the State of Missouri is empowered and directed to establish cancer clinics in the larger cities of the State on request of the local medical societies. All clinics

are to be administered by committees appointed by the local medical organizations (county medical societies) these committees to have charge of the administrative details connected with their respective clinics but in all cases they must conform with the minimum standards set by the Cancer Commission of the State of Missouri."

We assume that you are referring to the temporary hospitalization afforded indigent cancer patients in Hospitals Nos. 1 and 2 until such time as the State Cancer Hospital can be constructed. Said temporary hospitalization having been passed upon by this department in an opinion rendered to the late Dr. Ellis Fischel, Chairman of the State Cancer Commission and concluding as follows:

"From the foregoing we are of the opinion that the State Cancer Commission may establish hospitalization for the care of indigent cancer patients in the tumor clinics already established in State Hospitals Nos. 1 and 2 and spend such funds as are necessary out of the amount appropriated by the Legislature to 'Operation'."

We further assume that the treatment and hospitalization being afforded cancer patients at State Hospitals Nos. 1 and 2 is in the nature of the treatment and hospitalization that may be afforded them when the State Cancer Hospital is constructed. We further assume that the statutory procedure outlined in Section 8 of the State Cancer Act has been complied with, such as providing for application to the county court for treatment; an examination and report of the condition of the patient by a physician; an order by the county court finding that the applicant needs treatment, and is unable financially to provide himself with same; a determination by the county court from the Administrator of the State Cancer Hospital that the applicant can

be received as a patient; and the certification by the county court of its approval of the application to said hospital.

Section 11 of the Cancer Act, Laws of Missouri, 1937, p. 498 provides as follows:

"The Administrator shall, under the direction of the Cancer Commission of the State of Missouri, cause, monthly, to be made out and forwarded to any county court which may send to the State Cancer Hospital a patient as described in this Act, an exact amount of the sum due and owing by such county court on account of such patient. Said county court, at its first session thereafter, shall proceed to allow and cause to be paid over to the Treasurer of the State of Missouri the amount of said account."

From an examination of the above section it is evident that it was the intention of the Legislature that the county share the expense of the state in maintaining the State Cancer Hospital. Therefore, although it is true that said hospital has not as yet been constructed, yet since the State of Missouri is spending funds for temporary hospitalization until the hospital is built, the county must, as was intended by the Legislature, bear its proportionate expense in an amount provided for in Section 14 of the Cancer Act, Laws of Missouri, 1937, p. 500.

CONCLUSION

Assuming the temporary hospitalization being provided patients at the cancer clinics at State Hospitals Nos. 1 and 2 is in the nature of the treatment and hospitalization that will be afforded indigent cancer patients when the State Cancer Hospital is erected, and further assuming that the statutory procedure outlined in Section 8 of the State Cancer Act, Laws of Missouri

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1937, pages 497-498 relating to the admission of indigent cancer patients to the State Cancer Hospital has been complied with, we are of the opinion that the counties may now be billed monthly for patients sent to the cancer clinics at State Hospitals Nos. 1 and 2.

II.

Section 11, supra provides that the county court, having received its monthly bill from the State Cancer Commission, must at its first session thereafter proceed to allow and cause same to be paid over to the Treasurer of the State of Missouri.

CONCLUSION

From the foregoing, we are of the opinion that all funds billed by the State Cancer Commission to county courts for patients in State Hospitals Nos. 1 and 2 must, after being allowed by the county court, be paid over to the Treasurer of the State of Missouri.

Respectfully submitted

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Assistant Attorney General

APPROVED:

J. W. BUFFINGTON
(Acting) Attorney General

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