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ELEEMOSYNARY BOARD - No authority to pay transportation expenses
of non-resident patients.

June 23d, 1934.

6-28



Honorable W. Ed Jameson, President
Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Sir:

We have your request of June 4, 1934 for an opinion as to whether or not the Eleemosynary Board has the authority to arrange to have insane patients who are out of the state brought back to Missouri, and to assume care therefor.

We call your attention to the provisions of Section 8663, Revised Statutes of Missouri, 1929, which, in part, provides as follows:

"No person shall be entitled to the benefit of the provisions of this article as a county patient, except persons whose insanity has occurred during the time such person may have resided in the state, and except the insane poor under sentence as criminals, " "

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Before patients can be admitted and any particular county charged for the keeping of such patient, the county court of the county involved shall conduct a hearing on such matter - Section 8636 R. S. Mo. 1929, and shall follow the proceedings outlined under Section 8643 R. S. Mo. 1929. The sending of such a patient to an insane asylum from a county, upon an order of the county court, places the cost of the transportation and the support and maintenance of such patient upon the county sending such patient to the hospital.

#2 - Honorable W. Ed Jameson

We have made a diligent search of the authorities in this state, and we find none authorizing the Eleemosynary Board to pay the transportation of non-resident insane persons either to or from Missouri. Insane poor patients can only be admitted to state hospitals by an order of the county court of the county in which they reside.

It is, therefore, the opinion of this office that the Eleemosynary Board is without authority to pay the transportation charges of insane persons in returning such patients to Missouri or in sending such patients from Missouri to some other state.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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