

DEPARTMENT OF PUBLIC
HEALTH AND WELFARE:
DIVISION OF MENTAL DISEASES:
TRANSPORTATION CHARGES OF
STATE PATIENTS:

Counties of residence of state
patients at Missouri State
School are not liable for
transportation costs incurred
in treatment.



July 30, 1954

Mr. B. E. Ragland, Director
Division of Mental Diseases
Department of Public Health
and Welfare
Jefferson City, Missouri

Attention: W. K. Prior, Business Manager

Dear Sir:

Reference is made to your request for an official opinion
of this department reading as follows:

"Please advise if the County is responsible
for transportation charges and expenses in-
curred when a County Patient from a State
Institution is transferred to a Charitable
or Private Hospital for care and treatment,
as they would be under Section 202.340
R.S. Mo. 1953.

"In the particular case of Buelah Pulliam,
on which you made a decision for Marion
County which appeared in the newspaper on
May 12, 1954, please advise if Marion County
is responsible for transportation and hos-
pital charges for her and her offspring.
This county has refused to pay."

We are further advised by B. E. Ragland, Director, Division
of Mental Diseases, that your request relates to mentally defec-
tive children who have been committed to the Missouri State School
under the provisions of Sections 202.590 to 202.660, inclusive,
RSMo 1949. We are further advised that the particular transporta-
tion charges and expenses to which you refer arise by reason of
sending children so committed to charitable or private hospitals
for specialized care and treatment.

We have examined the statutes relating to the Missouri State
School and find that under Section 202.630 RSMo 1949, liability

Mr. B. E. Ragland, Director

has been imposed upon the counties of residence of state patients for expenses incurred in transporting such patients back to the county from whence admitted upon recovery. We also find that under the same statute similar liability has been imposed upon such counties for transportation charges and expenses incurred in the transfer of any of such patients who become dangerously insane to the nearest State Hospital to the county of residence of such state patient. These are the only statutes which relate to the payment of transportation of patients subsequent to their reception at the Missouri State School.

In the absence of any further statutes imposing liability upon the county of residence for transportation charges and expenses incident to the removal of state patients from the Missouri State School to charitable or private hospitals for specialized treatment, we do not believe that such counties are liable therefor.

We believe what has been said heretofore also answers your inquiry with respect to the particular case of Buelah Pulliam. For your further information, a copy of the official opinion relating to this subject, which was delivered under date of May 10, 1954, to Honorable Harry J. Mitchell, Prosecuting Attorney of Marion County, Missouri, is herewith enclosed.

CONCLUSION

In the premises, we are of the opinion that transportation charges and expenses incident to the transfer of state patients from the Missouri State School to charitable or private hospitals for specialized treatment and care, are not a liability of the county of residence of such state patients.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl

Enclosure: 5-10-54 to Harry J. Mitchell