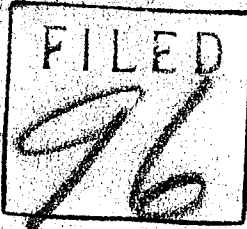


COUNTY HOSPITALS: Four questions relating to duties of boards of trustees of county hospitals.



June 8, 1955

Honorable Jay White
Prosecuting Attorney
Phelps County
Rolla, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this office in which you submit four questions relating to the powers and duties of boards of trustees of county hospitals. In the preparation of this opinion we have considered and will set out the questions in the same sequence submitted.

Your Question No. 1 reads as follows:

"Question 1. Is it necessary that a detailed, itemized statement showing each vendor, the exact product for which the voucher was written and the amount shown for that item, or (2) a general statement of receipts and expenditures for each of the departments that is set up, or (3) one general statement showing all the receipts and all of the expenditures?"

This question arises under the provisions of subsection 7, of Section 205.190, RSMo 1949, reading as follows:

"7. One of said trustees shall visit and examine said hospital at least twice each month and the board shall, during the first week in January of each year, file with the county court of said county a report of their proceedings with reference to such hospital and a statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and improve said hospital for the ensuing year."

This portion of the statutes relating to the county hospital law has not been construed by any of the appellate courts

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of this state so far as we are able to ascertain. However, examining the entire chapter relating to such institutions seems to indicate that the purpose of the "report" provided for therein is that a public record be made of the actual operation of the county hospital. It seems that such report need not descend into particularities with respect to each item of disbursement, but that it should incorporate information relative to the number of patients, cost of operation of various departments, such as food, drugs, medical attention, etc., and other matters of a general nature which in a concise manner will reflect the expenses incident to the operation of the various departments of the institution.

Your Question No. 2 reads as follows:

"Question 2. What is the interpretation of the word 'maintenance' as written in the law? (1) does it mean just general repair of the building or (2) does it mean general support in maintaining the operation of the hospital as a unit, whether it be for upkeep of buildings, services, or supplies?"

Under the provisions of Section 205.160, RSMo 1949, authorization has been granted to the county courts of the several counties of this state to issue bonds upon an affirmative vote of the electorate of their counties for the purpose of establishing, constructing, equipping, improving, extending, repairing and maintaining public hospitals. However, in view of other statements contained in your letter of inquiry, it seems that you are primarily concerned with the provisions of Section 205.200, MoRS, Cum. Supp., 1953. This statute reads as follows:

"Except in counties operating under the charter form of government, the county court in any county wherein a public hospital shall have been established as provided in sections 205.160 to 205.340, shall levy annually a rate of taxation on all property subject to its taxing powers in excess of the rates levied for other county purposes to defray the amount required for the maintenance and improvement of such public hospital, as certified to it

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by the board of trustees of the hospital; the tax levied for such purpose shall not be in excess of twenty cents on the one hundred dollars assessed valuation. The funds arising from the tax levied for such purpose shall be used for the purpose for which the tax was levied and none other."

Although the phrase "maintenance and improvement" has no particular or technical meaning in law and must be construed when used in statutes in accord with their context, it does appear that such phrase has been repeatedly defined as comprehending more than the mere preservation of physical facilities. As used in connection with schools, hospitals and other public institutions, it seems to convey the meaning of not only preserving physical facilities, but the furnishing of necessary services and supplies incident to the operation of the institution to which it refers. Your attention is directed to the numerous definitions of the word "maintenance" and associated words found 26 Words and Phrases, Perm. Ed., page 96. In view of the related statutes defining the powers and duties of the boards of trustees, particularly with respect to the promulgation of rules and regulations for the government of the county hospital, the power to employ personnel, and the unrestricted authority to receive and expend public funds on behalf of such institution, it seems to us that the phrase "maintenance and improvement" has been used in the statute under consideration in the broad sense.

Your Question No. 3 reads as follows:

"Question 3. What is the interpretation of 'the Board shall, during the first week in January of each year, file with the County Court a report of their proceedings'? Does this mean the filing of the minutes of each Board meeting? If not, what does it refer to?"

What has been said in answer to your Question No. 1 we believe fully answers your Question No. 3.

Your Question No. 4 reads as follows:

"Question 4. Does the Hospital Board have to file with the County Court a budget for the ensuing year? If so, (1)

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is this to be a general budget of all operations, or (2) a budget only for the amount of tax money anticipated for the ensuing year?"

Examination of the county budget law and of the county hospital law does not disclose any statutory requirements that the boards of trustees of such institutions are required to submit a budget at the commencement of each fiscal year. In this regard your attention is directed to a prior official opinion of this department delivered under date of October 19, 1951, to the Honorable R. M. Gifford, Prosecuting Attorney, Sullivan County, particularly the portion thereof beginning on page five. You will note that the effect of the reasoning found in such opinion discloses no statutory requirement for the incorporation of county hospital funds in the general budget of the county nor any requirements that the trustees of such institution submit a budget to the county court. A copy of this opinion is enclosed herewith.

However, it is to be observed that under the provisions of subsection 7 of Section 205.190, RSMo 1949, quoted in connection with question 1, that during the first week in January of each year the board of trustees is required at such time to certify the amount necessary to maintain and improve the hospital for the ensuing year. While not in any sense a "budget" requirement, yet this provision must be observed.

CONCLUSION

In the premises we are of the opinion:

1. That the "report" required to be filed with the county court of a county wherein there is located a county hospital need not descend into particularities with respect to each item of income or expenditure made by the board of trustees of such institution, and that the requirements of the statute requiring such report will be fully met by the filing of one of a general nature outlining in a general way the operations of such board of trustees;
2. That the term "maintenance and improvement" as used in the statute relating to the levying of funds for county public hospital contemplates the expenditure of such funds for the preser-

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vation of the physical facilities of such institution, the payment for personal services rendered and the supplying of necessary medicine, food and similar matters directly related to the operation of such institution; and

3. That no statutory requirement exists necessitating the filing with the county court by the boards of trustees of county hospitals of a budget at the inception of each fiscal year, but that the certification of the amount necessary to maintain and improve such hospitals for the ensuing year must be certified to the proper county court during the first week in January of each calendar year.

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

Very truly yours,

John M. Dalton
Attorney General

WFB, Jr:lc

1 enclosure