

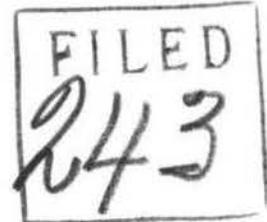
NURSING HOMES:
NURSING HOME DISTRICTS:
COUNTY COURT:
INDIGENTS:

Nursing home districts have authority to prescribe reasonable fees as a prerequisite to admission to nursing homes operated by the nursing home district and the obligation to support indigent poor persons who are residents in the county is still an obligation of the county court or other persons or agencies having a statutory duty of support and such support is not an obligation of the nursing home district.

December 4, 1964

OPINION NO. 243

Honorable Paul D. Hess, Jr.
Prosecuting Attorney
Macon County Courthouse
Macon, Missouri



Dear Mr. Hess:

In your request for an official opinion from this office you have inquired as to whether directors of a nursing home district have any legal obligation to accept persons who cannot pay the reasonable fees established pursuant to Section 198.300, RSMo Cum. Supp. 1963. As we understand your inquiry, you want to know whether the nursing home district must accept indigents if the pertinent "reasonable fees", established by the directors, are paid for the applicant by friends or by the county court from funds available under Section 205.670 RSMo 1959.

We believe that the following statutory provisions from Section 198.300 RSMo. Cum. Supp. 1963, are applicable to the question as to the obligations and authority of a nursing home district:

"1. A nursing home district shall have and exercise the following governmental powers, and all other powers incidental, nec[essary], convenient or desirable to carry out and effectuate the express powers:

"(1) To establish and maintain a nursing home within its corporate limits and to construct, acquire, develop, expand, extend and improve the nursing home;

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"(3) To operate, maintain and manage the nursing home, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the nursing home;

"(4) To fix, charge and collect reasonable fees and compensation for the use or occupancy of the nursing home or any part thereof, and for nursing care, medicine, attendance, or other services furnished by the nursing home, according to the rules and regulations prescribed by the board from time to time;

* * * * *

"(7) To maintain the nursing home for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the nursing home of the greatest benefit to the greatest number; to exclude from the use of the nursing home all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the nursing home to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations;

* * * * *

"2. The use of any nursing home of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

"3. A regulatory ordinance of a district adopted under any provision of this section may provide for a suspension or revocation of any rights or privileges within the control of the district for a violation of any regulatory ordinance."

(All emphasis added)

Honorable Paul D. Hess, Jr.

We believe that the above statutory provisions explicitly indicate that the nursing home district has authority to make reasonable rules and regulations and establish a reasonable schedule of fees and provide that the payment of these fees shall be a prerequisite for admission to the home as a patient. We believe that the source of funds for the applicant's payment is immaterial so long as they meet the standard of being reasonable fees as prescribed by the nursing home district, and such fees could be paid by the county court where the indigent applicant resided. In this connection it should be noted that under Section 205.590, RSMo 1959, and other related statutory provisions, the county court has certain duties and obligations in connection with supporting or caring for the indigent residents of their county. Chapter 198, RSMo. Cum. Supp. 1963, relating to the formation and operation of nursing home districts, does not create such an obligation on behalf of the nursing home district.

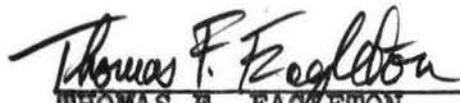
We have concluded from studying your inquiry that you do not mean to inquire as to whether the nursing home district may, in the exercise of reasonable discretion, permit the use of the facilities involved by indigents without the payment of fees. Since we have reached this conclusion it is obvious that such question would not be one upon which the county court would be required to rule. In other words, the making of this decision would not be a county function. We realize that you are conscientiously trying to develop an effective mechanism for meeting the difficult challenge of providing adequate facilities for our aged citizens but we feel compelled to refrain from ruling as to this question for the reasons noted.

CONCLUSION

Therefore, it is the opinion of this office that nursing home districts have authority to prescribe reasonable fees as a prerequisite to admission to nursing homes operated by the nursing home district and that the obligation to support indigent poor persons who are residents in the county is still an obligation of the county court or other persons or agencies having a statutory duty of support and such support is not an obligation of the nursing home district.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Clyde Burch.

Yours very truly,


THOMAS F. EAGLETON
Attorney General