

ELEEMOSYNARY INSTITUTIONS: State Eleemosynary Institutions
must accept indigent insane who
are certified under Sections 8652
and 8652a. X

February 8, 1940

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



Dear Sir:

We are in receipt of your request for an opinion,
dated February 2, 1940, which reads as follows:

"The following telegram was received
January 27th:

Hon. W. Ed Jameson, President
Board of Managers
State Eleemosynary Institutions

Due to crowded conditions officials
City Sanatorium advise something
must be done immediately. Would
it be possible for you to hold meet-
ing your Board in St. Louis in near
future together with Director of
Public Welfare Hospital Commissioner
and Sanatorium Officials so problem
can be discussed in hope of reaching
satisfactory solution. I would very
much appreciate your cooperation.
Sincerely

Bernard F. Dickmann, Mayor.

Complying with this request, a joint
meeting of the above mentioned offi-
cials of St. Louis City and the
Eleemosynary Board will be held in
St. Louis, Sunday, February 11th.

In view of the fact that the State
appropriated \$600,000. (Section 62,
page 135, Laws of Missouri, 1939)

would it be considered an obligation or just a favor on the part of the Board of Managers of the Eleemosynary Institutions to accept patients from the City of St. Louis into the four state mental hospitals?

I respectfully request an official opinion from you upon the above question before any negotiations are begun.

It would seem advisable at this time to call your attention to the fact that the primary purpose of the building program at the State hospitals was to alleviate the very serious and dangerous overcrowded conditions. With the constant and increasing demands from the 114 counties of the State for admission of county patients to the mental hospitals, the situation is gradually developing toward overcrowding again. Should not this condition be considered in the discussion of this matter between our Board and the St. Louis authorities?"

Section 8652, R. S. Mo. 1929, (Mo. St. Ann., Section 8652, page 7747) reads as follows:

"Whenever an inmate of a private or public charitable institution for the maintenance and care of indigent persons shall become insane, a citizen of the county in which such institution is located may file in the county court thereof, and with the clerk of said court, a statement in writing substantially complying with the form set forth in section 8643, R. S. 1929, and shall in addition thereto allege in said statement the county in this state of which said insane person was a resident next prior to his admission to said charitable institution. The clerk of the county

court in which such statement is filed shall proceed therewith as provided in section 8644, R. S. 1929, and shall forward to the clerk of the county court of the county of which said insane person is alleged to have been a resident next prior to his admission to said charitable institution, a copy of such statement and notice of the place and time when said statement will be presented to the court, which shall not be less than twelve days after the notice is deposited in the mail as hereinafter provided. The copy of said statement and said notice shall be placed in a well-secured envelope, directed and addressed to the clerk of the county court of the county to whom the same is herein required to be forwarded, deposited in the postoffice, postage prepaid, and registered in accordance with the postal laws of the United States of America; the return of such service shall be indorsed on a copy of the notice of the matters therein contained, and shall confer complete jurisdiction upon the court in which the statement is filed to hear and determine the same. Said county court shall hear said matter on the date mentioned in said notice or upon any day to which said court shall adjourn or continue the hearing thereof, in the manner now provided for resident insane persons. If the person charged shall be found by the court to be insane and indigent and to have been a resident of the county alleged in said statement next prior to his admission to said charitable institution, its judgment shall entitle said person to admission to the asylum upon the same terms as resident insane and indigent persons, and the county of which

such insane person is found to have been a resident next prior to his admission to such charitable institution shall pay all costs and expenses and provide all things required by this article, the same as if said person had been sent to the asylum as an indigent insane person by order of the county court of the county of which he is found to have been a resident next prior to his admission to said charitable institution."

Section 8652a, Mo. St. Ann., page 7748, reads as follows:

"All of the duties imposed upon the county court or the clerk thereof, and all of the power conferred upon the county court or the clerk thereof, by this article, except as hereinafter mentioned, shall be imposed upon, and shall be exercised by, the hospital commissioner or the assistant hospital commissioner of the city of St. Louis in like manner and with like effect as if said powers had been exercised by the county court or the clerk thereof; provided that any certificate which the county clerk may be by law required to transmit to the superintendent of a state hospital shall, in the case of the city of St. Louis, be signed and transmitted by the comptroller of said city; provided further, that the authority conferred on the county court to discount and sell warrants to defray the costs of maintaining the insane poor in a state hospital, and all other powers and duties of a fiscal nature, so far as they relate to the city of St. Louis, concerning the admission of the indigent insane into a state hospital, and their maintenance therein, are hereby conferred upon the comptroller of said city. When the hospital commissioner or the

assistant hospital commissioner, after a hearing, shall make an order setting forth that a person found to be insane is a fit subject to be sent to a state hospital, and naming the hospital, said hospital commissioner or his assistant may, without further hearing, make supplemental orders authorizing the commitment of such insane person to any other state hospital to which such insane person may be lawfully committed, or authorizing the commitment of such insane person to the city sanitarium of the city of St. Louis, or any other institution maintained by said city for the care of the indigent insane. The powers hereby conferred upon the officers of the city of St. Louis are cumulative, and this act shall not be so construed as to deprive the city of St. Louis of the power to enact appropriate ordinances for the commitment of indigent insane persons or pay patients to its sanitarium, or other institutions maintained by said city for the care of insane persons, and prescribing the proceedings for such commitment."

Section 1, Laws of Missouri, 1931, page 221, reads as follows:

"Any county or city in this state which shall maintain from public funds a hospital for the care, detention or treatment of the insane, which hospital is properly equipped as to facilities, staff and personnel, shall be entitled to \$8.00 per month per patient, upon proper report filed and sworn to by superintendent or surgeon in chief of such hospital for the insane, when such proper report is filed with the state eleemosynary board. Such reports shall be filed quarterly and shall show name, address and other

necessary data so as to properly identify and authenticate the patients of such insane institution."

Section 62, Laws of Missouri, 1939, page 135, reads as follows:

"There is hereby appropriated out of the State Treasury, chargeable to the General Revenue fund, the sum of Six Hundred Thousand (\$600,000.00) Dollars or so much thereof as may be necessary for the purpose of paying to mental hospitals, established and maintained by any county or city not within a County in this State, the sum of Eight Dollars (\$8.00) per month for each indigent insane person, detained and treated in any such hospital, pursuant to the provisions of an Act approved May 12th, 1931, Laws 1931, Page 221, entitled "An Act to Provide Partial Support for Counties or Cities Maintaining Approved Hospitals for the Insane;" Provided that the State Auditor shall not audit, and the State Treasurer shall not pay any claim out of this appropriation unless such claim has first been approved by the President of the Board of Managers of State Elee-mosynary Institutions."

It is the opinion of this department that the legislature, in Section 8652, made it mandatory upon the state to accept indigent insane persons from the City of St. Louis, for the statute in this section reads as follows:

"* * * * * If the person charged shall be found by the court to be insane and indigent and to have been a resi-

dent of the county alleged in said statement next prior to his admission to said charitable institution, its judgment shall entitle said person to admission to the asylum upon the same terms as resident insane and indigent persons, * * * * * (Italics ours)

This section should be read in connection with Section 8652a in which it will be noted that the legislature, in passing said section, passed it with the specific intention of alleviating the cumbersome method of procedure as set forth in Section 8652.

Section 8652a provides that:

"All of the duties imposed upon the county court or the clerk thereof, and all of the power conferred upon the county court or the clerk thereof, by this article, except as hereinafter mentioned, shall be imposed upon, and shall be exercised by the hospital commissioner or the assistant hospital commissioner of the city of St. Louis in like manner and with like effect as if said powers had been exercised by the county court or the clerk thereof; * * * * * and all other powers and duties of a fiscal nature, so far as they relate to the city of St. Louis, concerning the admission of the indigent insane into a state hospital, and their maintenance therein, are hereby conferred upon the comptroller of said city."

By this section, the legislature has clearly set up a supplementary procedure for the City of St. Louis other than that which is provided for the several counties of Missouri, and, in interpreting Sections 8652 and 8652a, we think the legislature clearly intended and imposed the direct duty upon the Board of Supervisors

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provided for in Section 8561, R. S. Mo. 1929, to accept persons who are certified in accordance with Sections 8652 and 8652a, Mo. St. Ann., from the City of St. Louis.

Now, turning to the portion of your question which makes reference to Section 1 of the Laws of Missouri, 1931, and Section 62 of Laws of Missouri, 1939, it is the opinion of our department that the legislature, in Laws of Missouri, 1931, merely provided for partial state support for inmates of hospitals maintained by cities or counties, provided said hospitals meet the necessary qualifications as to management, facilities and medical supervision. The section also provides that any such hospital meeting with the requirements shall be entitled to \$8.00 per month per patient, which, in our opinion, applies to cities and counties alike.

Section 62 of the Laws of Missouri, 1939, merely sets up an appropriation of \$600,000.00 to take care of these \$8.00 per month patient payments that may be paid out to the several institutions of the state which can meet the requirements and are entitled to this sum of money, as is provided in Section 1 of the Laws of Missouri, 1931, at page 221. It is our opinion that Section 62 in nowise has any effect on the question of whether or not the State Eleemosynary Institutions are or are not required to accept indigent insane persons from the City of St. Louis and is merely an appropriation section as will be noted from the title in the statutes of Missouri.

In conclusion, it is our opinion that the State Eleemosynary Institutions, as are defined in Section 8650, R. S. Mo. 1929, are required to accept patients certified in accordance with Sections 8652 and 8652a, Mo. St. Ann., from the City of St. Louis.

Respectfully submitted,

B. RICHARDS CREECH
Assistant Attorney General

APPROVED:

W. J. CURKE
(Acting) Attorney General

BRC:VC