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COUNTY MEMORIAL HOSPITAL: Private or pay patients are eligible for admission into a county memorial hospital or a memorial addition to an existing county hospital.

May 19, 1948



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Honorable Tom Proctor  
Missouri State Representative  
Greenfield, Missouri

Dear Mr. Proctor:

Your letter of recent date requesting the opinion of this department for the interpretation of House Bill No. 756 of the 63rd General Assembly, and Senate Bill No. 322 of the 64th General Assembly, reads as follows:

"We contemplate building a hospital here in Dade County. Of course we aim to use the \$10,000.00 as provided for in Senate Bill 322 and House Bill 756.

"Now we desire the opinion of your office as to whether a county in building and maintaining a County Hospital as provided for under House Bill 756 and Senate Bill 322 would be permitted to admit private or paid patients."

The questions presented by your letter are:

1. Can private or pay patients be admitted to a county hospital under House Bill No. 756, passed by the 63rd General Assembly and approved April 10, 1946, as found at pages 983-986, inclusive, Laws of Missouri, 1945?

2. Can private or pay patients be admitted to a county memorial hospital, or a memorial addition to an existing county hospital, as provided for in Senate Bill No. 322, passed by the 64th General Assembly and approved April 13, 1948?

House Bill No. 756, supra, as approved, repealed Sections 15192 to 15197, both inclusive of Article 4, Chapter 126, R. S. Mo. 1939, and reenacted in lieu thereof four new sections to be known as Sections 15192 to 15195, both inclusive. Section 15193 of the above approved House Bill, Laws of Missouri, 1945, was repealed by House Bill No. 24, passed by the 64th General Assembly and approved July 7, 1947, and two new sections were

enacted in lieu thereof, to be known as Sections 15193 and 15193a, Laws of Missouri, 1947, page 323. These new sections, together with Sections 15198 to 15209, both inclusive, R. S. Mo. 1939, constitute now Article 4, Chapter 126, R. S. Mo. 1939.

Section 15192, page 984, Laws of Missouri, 1945, in part reads:

"The county courts of the several counties of this state are hereby authorized, as provided in this Article, to establish, construct, equip, improve, extend, repair and maintain public hospitals, \* \* \* \*"

Section 15193, Laws of Missouri, 1947, page 323, provides that the county court shall appoint five trustees chosen from the citizens at large, with reference to their fitness for such office, all residents of the county, not more than three of said trustees to be residents of the city, town or village in which said hospital is to be located, who shall constitute a board of trustees of said public hospital.

Section 15202, R. S. Mo. 1939, provides that:

"Every hospital established under this article shall be for the benefit of the inhabitants of such county and of any person falling sick or being injured or maimed within its limits, but every such inhabitant or person who is not a pauper shall pay to such board of hospital trustees or such officer as it shall designate for such county public hospital, a reasonable compensation for occupancy, nursing, care, medicine, or attendants, according to the rules and regulations prescribed by said board, \* \* \* \*"

(Underscoring ours.)

The above section specifically provides for admitting patients to county public hospitals who are not paupers and who shall pay reasonable compensation for the benefits received therein. House Bill No. 756, Laws of Missouri, 1945, did not change Section 15202, R. S. Mo. 1939, and, therefore, private or pay patients can be admitted to a county public hospital.

Referring to Senate Bill No. 322, approved April 13, 1948 (by a joint resolution of the Legislature will become effective July 19, 1948, being 90 days after recessing of Legislature for more than 30 days), in its true meaning provides for a monument to be erected in memory of the service men and women of our state and country of World War II, and provides that this monument shall be in the form of a county memorial hospital, or a memorial addition to an existing county hospital. Section 1 of this bill provides that upon certification to the Governor by the county court that such county has available an adequate sum of money to be used for the purchase or erection and the operation of a county memorial hospital or a memorial addition to an existing county hospital commemorating the services of our armed forces during World War II, then such county shall be eligible to receive state financial aid to build such a memorial hospital or a memorial addition to an existing county hospital, which has been certified to the Governor by the director of the division of health and is, in his judgment, in the interest of public health and welfare. Without making reference to the limitation of the use of such memorial, except that such memorial shall be a hospital for the interest of public health and welfare, we think that Senate Bill No. 322 should be read in connection with the sections in Article 4, Chapter 126, R. S. Mo. 1939, and the amendments thereto.

We are unable to interpret the action of the Legislature in passing these new sections to restrict or limit the type of patient who shall be admitted to the county memorial hospital or to a memorial addition to an existing county hospital, and when the same has been completed and dedicated to its purpose, the intent of Senate Bill No. 322, supra, has for all practicable purposes been complied with, and the use of said memorial would be under the rules and regulations now prescribed in Article 4, Chapter 126, R. S. Mo. 1939, as amended, applying to county public hospitals, and we do not think that the Legislature intended that private or pay patients should be prohibited from being admitted into such hospital.

#### CONCLUSION

Therefore, it is the opinion of this department that private or pay patients are eligible for admission into a county memorial hospital, or a memorial addition to an existing

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county hospital, erected in accordance with Senate Bill No. 322, passed by the 64th General Assembly and approved by the Governor on April 13, 1948, effective July 19, 1948.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR  
Attorney General *TB*

GPW:VLM