

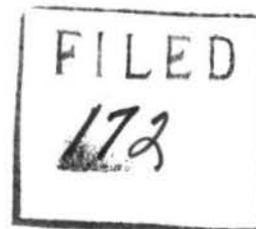
COUNTY HOSPITALS:

A county hospital organized under the provisions of Sections 205.160, RSMo 1969 et seq., has authority to furnish food at cost to certain "shut-ins".

OPINION NO. 172

July 5, 1972

Honorable C. E. Hamilton, Jr.
Prosecuting Attorney
Callaway County, Courthouse
Fulton, Missouri 65251



Dear Mr. Hamilton:

This opinion is in answer to your question in which you ask:

"Can a county hospital sell meals to a not-for-profit corporation on a cost basis under the Missouri Statutes?"

You also state:

"The administrator of the Callaway Memorial Hospital in Fulton, Missouri, has been contacted by Ecumenical Ministries, a not-for-profit corporation, organized under Missouri Law, and Ecumenical Ministries has proposed a cooperative plan. Ecumenical Ministries desires that certain shut-ins in the Fulton area receive hot meals and they have agreed to provide transportation and pay for the cost of preparation of the meals if the Callaway Hospital will prepare them. The Callaway Hospital is willing to do this but is unsure as to whether such action would be authorized under Missouri Law. Apparently the cost of preparation would be paid out of hospital funds and then the hospital would be reimbursed by Ecumenical Ministries for just the cost of each meal. Hopefully, there would be neither loss nor profit on the part of the Callaway Hospital."

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In our view the key to the answer is in the intent of the legislature as expressed in the statutes respecting such county hospitals established pursuant to Sections 205.160 to 205.340, RSMo 1969. That is, Section 205.270, RSMo 1969, provides:

"Every hospital established under sections 205.160 to 205.340 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, such hospital always being subject to such reasonable rules and regulations as said board may adopt in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of such hospital any and all inhabitants and persons who shall willfully violate such rules and regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such county, upon such terms and conditions as said board may from time to time by its rules and regulations prescribe."
(Emphasis added)

Further, Section 205.190, provides in part:

"Said board of hospital trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants and fix their compensation, and shall also have power to remove such appointees; and shall in general carry out the spirit and intent of sections 205.160 to 205.340 in establishing and maintaining a county public hospital." (Emphasis added)

In our Opinion No. 290, December 5, 1968, to Brewer, copy enclosed, we recognized that such a county hospital could provide an ambulance service under this broad grant of powers.

We do not have the precise plan before us and therefore we do not undertake to pass upon all the problems that may be involved.

Honorable C. E. Hamilton, Jr.

However, it is our view generally that such a hospital can furnish food at cost to certain "shut-ins", either directly or through an intermediary, and that such authority is derived from the hospital trustees' authority and duty to extend its services as broadly as possible to persons within the scope of such hospital services. The beneficiaries of such services must, in our view, be determined by the hospital, and not by the intermediary organization.

CONCLUSION

It is the opinion of this office that a county hospital organized under the provisions of Sections 205.160, RSMo 1969 et seq., has authority to furnish food at cost to certain "shut-ins".

The foregoing opinion which I hereby approve was prepared by my assistant, John C. Klaffenbach.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. Danforth". The signature is written in a cursive style with a large initial "J" and "D".

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 290
12-5-68, Brewer