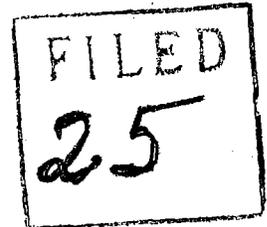


DIVISION OF MENTAL DISEASES: It is the opinion of this department
PATIENT MAINTENANCE IN: that the Division of Mental Diseases
BOARDING, NURSING, OR: may only appropriate for the care of
FAMILY HOMES: a patient in a boarding, nursing or
a family home an amount not to exceed
the average per capita cost of maintenance for the prior fiscal year
of patients in the state hospital from which such person was trans-
ferred, but that the family of such a patient, or any friend or
interested party, may contribute out of private resources an addi-
tional sum for such care which contribution would make the total
amount paid to such home more than the average per capita cost of
maintenance of such patient for the prior fiscal year in the state
hospital from which he was transferred.

October 9, 1959

Honorable Addison M. Duval, M. D.
Director, Division of Mental Diseases
State Office Building
Jefferson City, Missouri



Dear Dr. Duval:

Your recent request for an official opinion reads:

"I am writing to request an interpretation of
Senate Bill No. 18 and specifically Section 202.831.

The question has been raised as to whether the
total payment for care of a mental hospital patient
in a boarding, licensed nursing home or family
home can be agreed to by the hospital if this
cost is more than the average per capita cost of
maintenance for the prior fiscal year of patients
in the state hospital from which the patient is
to be transferred.

In some instances, the families of private
patients are willing to pay more than the per
diem hospital patient cost for the prior fiscal
year. In other instances families of private
patients can pay a part of the nursing home cost
and are asking the Division of Mental Diseases
to contribute specially appropriated funds for
this purpose in a sum which would result in the
nursing home or other home operator receiving
more money for the care of the patient than that
represented by the per capita patient cost in
the state hospital for the prior fiscal year."

Number 1 of Section 202.831 of Senate Bill No. 18 enacted
by the 70th General Assembly of Missouri reads:

"(1) The head of a state mental hospital may
place any patient, except those committed as
criminally insane, in a suitable boarding,
licensed nursing home or family home other

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than his own home or that of any person related to him within the fourth degree, by consanguinity or affinity upon such terms and conditions as he deems proper when he believes that such family care would benefit the patient. If the patient so placed is ineligible to receive public assistance benefits from the Division of Welfare, or such benefits are inadequate to meet the costs of such care, the monthly costs may be paid or supplemented out of funds appropriated for that purpose to the Division of Mental Diseases; provided, however, that payment for such care shall not exceed the average per capita cost of maintenance for the prior fiscal year of patients in the state hospital from which he is transferred."

That portion of the above excerpt from Senate Bill No. 18 with which we are here particularly concerned is the provision that payment for the care for which the act provides "shall not exceed the average per capita cost of maintenance for the prior fiscal year of patients in the state hospital" from which the patient was transferred.

It seems clear to us that the payment referred to is out of funds appropriated for that purpose to the Division of Mental Diseases and that payment for maintenance out of this fund shall not exceed the average per capita cost of maintenance in the prior fiscal year, of patients in the state hospital from which the patient was transferred to a boarding, nursing, or family home.

From your letter we deduce that the situation which you contemplate is one in which the family of a patient, in order to secure better care for such patient, out of their own resources, makes an independent payment to a boarding, nursing or private home for the care of such patient in addition to the amount paid by the Division of Mental Diseases. Let us for purposes of illustration, hypothecate a situation: John Doe has been a patient at the state hospital No. 1 in Fulton; the superintendent of that hospital desires to place Doe in one of the homes designated in paragraph (1), Section 202.831; the average per capita cost of maintenance for the prior fiscal year in state hospital No. 1 was, let us assume, \$60 per month; the particular home which the superintendent has in mind charges \$100 per month for maintaining patients. We believe that the Division

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of Mental Diseases may pay to such a home the sum of \$60 per month and no more, but that the family of Doe may, out of its own resources, pay to the home an additional \$40 per month.

CONCLUSION

It is the opinion of this department that the Division of Mental Diseases may only appropriate for the care of a patient in a boarding, nursing or a family home an amount not to exceed the average per capita cost of maintenance for the prior fiscal year of patients in the state hospital from which such person was transferred, but that the family of such a patient, or any friend or interested party, may contribute out of private resources an additional sum for such care which contribution would make the total amount paid to such home more than the average per capita cost of maintenance of such patient for the prior fiscal year in the state hospital from which he was transferred.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Hugh P. Williamson.

Yours very truly,

JOHN M. DALTON
Attorney General

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