

INTERSTATE COMPACT ON MENTAL HEALTH: Missouri Interstate Mental Health Compact funds may not be used to transfer from a

Missouri State Hospital a resident of a non-Compact state who has come into Missouri as an escapee from a state hospital of another state.

A resident of a compact state who is under Missouri commitment to a Missouri State Hospital as an emergency admission may not be transferred by the Missouri Compact Administrator to the patient's own state through use of Missouri Compact funds in the absence of a clinical determination that the best interests of the patient would be served by such transfer.

January 11, 1960

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



Dear Dr. Duval:

On December 21, 1959, you wrote to this department for an official opinion as follows:

"Under date of October 6, 1959, I presented for your consideration two supplemental questions dealing with the Interstate Mental Health Compact.

"I would like to add two additional questions on this matter as follows:

1. May Missouri Interstate Mental Health Compact funds be used in returning from a Missouri state hospital to a non-Compact state a resident of that state who is on escape from a state hospital in that state?

2. May a resident of a Compact state who is under Missouri commitment to a Missouri state hospital as an emergency admission be transferred by the Missouri Compact Administrator to the patient's own state through use of Missouri Compact funds in the absence of a clinical determination that the best interest of the patient would be served by such transfer?

"Your early opinion concerning these four supplemental questions will be greatly appreciated as these matters are most urgent."

Our answer to your first question would be in the negative since we nowhere find in the Interstate Compact on Mental Health (House Bill No. 47, 70th General Assembly) any provision for the expenditure of funds appropriated to effectuate the compact for the benefit of any state not a member of the compact.

Hon. Addison M. Duval, M. D.

Your second question is whether, in the absence of a clinical determination that the best interest of a patient would be served, a resident of a compact state who has been committed to a Missouri State Hospital as an emergency admission be transferred by the Missouri Compact Administrator to the patient's own state through use of Missouri Compact Funds.

Our answer to that question is in the negative. We believe that this matter is determined by paragraph (b) of Article III of the Interstate Compact on Mental Health (House Bill #47, 70th General Assembly) reads in part:

"The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby.* * *"

The same intent with respect to transfer is to be found in paragraphs (a) and (b) of Article IV of the Interstate Compact on Mental Health, and elsewhere in the compact.

CONCLUSION

It is the opinion of this department that Missouri Interstate Mental Health Compact funds may not be used to transfer from a Missouri State Hospital a resident of a non-Compact state who has come into Missouri as an escapee from a state hospital of another state.

It is the further opinion of this department that a resident of a Compact state who is under Missouri commitment to a Missouri State Hospital as an emergency admission may not be transferred by the Missouri Compact Administrator to the patient's own state through use of Missouri Compact funds in the absence of a clinical determination that the best interests of the patient would be served by such transfer.

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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