

OPINION
46-164

August 29, 1946 (OPINION)

INSANE

RE: Removal of Discharged Patients by County

Your letter of August 26, 1946, addressed to the attorney general, has been received and contents of same have been noted.

You refer to section 25-0322 of the 12943 Revised Code which provides that when the state hospital sends a notice of discharge to the county insanity board and such board fails to remove such discharged patients from the hospital within thirty days, the county shall be liable, at the expiration of thirty days, for the care of such patient at the rate of \$2.00 per day.

At the present time there are some inmates at the hospital who have been discharged, and as I understand, the thirty days' notice has been given and the inmates are still at the hospital. The questions you present are as follows:

1. Should such discharged patients be billed separately from the regular patients?
2. Can charge for such discharged patients who remain in the hospital be legally paid out of the liquor tax fund?"

Answering your first question, it is my opinion that charges for discharged patients should be separate from the regular patients. Where a person is discharged, it strikes me that he is no longer a patient in the sense that he requires treatment at the hospital.

As to your second question, I beg to advise as follows:

Section 25-0812 of the Revised Code provides that the state treasurer shall cover into the charitable institutions revolving fund, monthly, the moneys allocated thereto under the provisions of chapter 3 of the title Alcoholic Beverages.

Section 25-0813 of the Revised Code appropriates this money to the charitable institutions revolving fund.

Section 25-0815 of the Revised Code requires the board of administration to certify to the state treasurer, the state auditor, and the superintendents of the institutions the amount to be placed to the credit of the institutional support fund, for the institutions respectively. It provides further that the board shall credit to each county the proportion that the total quarterly charges against said county for the care of patients or pupils in the state institutions bear to the total quarterly charges against all counties for the care of patients or pupils in such institutions, respectively, and shall allocate to each of the institutional support funds a portion of the amounts so credited to the counties to which each such institution is entitled.

This fund was provided for the purpose of paying the expense of maintaining patients or pupils as such in the state institutions. However, where a patient or pupil has been discharged, he no longer is a patient or pupil in the sense that he requires care and treatment, and it would, therefore, be my opinion that if the county permits such a person to stay in the institution after the expiration of the thirty day period specified in section 25-0322, the charge of \$2.00 per day is a charge for which the county would be liable and that the amount thereof could not be paid out of the charitable institutions revolving fund, since the purpose of the establishment of that fund is to pay the expense of care, treatment, and maintenance of patients or pupils.

NELS G. JOHNSON

Attorney General