

COUNTY HEALTH CENTER:

Salary of dentists employed at county health center for treatment of indigent persons to be paid out of funds of such health center.



May 7, 1954

Honorable Earl Saunders
Prosecuting Attorney
Jefferson County
Hillsboro, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department based upon a letter received by you from the Presiding Judge of the Jefferson County Court reading as follows:

"The enclosed proposal of the Jefferson County Health Center has been submitted to the County Court for consideration.

"Our question is: Can the County Court legally participate in this program as outlined in paragraph 7?

"Dr. Rice has suggested that this would not properly be a function of the Health Center in as much as it involves actual medical treatment rather than preventative work.

"The Health Center is providing all the necessary equipment to put the plan into operation (including dentists' chairs, X-ray, etc.) and has ordered equipment

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in the amount of approximately \$1700.

"In addition, the Health Center will provide all supplies and materials used in the treatment. (Paragraph 6)

"Will you please let the County Court have an opinion on this matter?"

The "proposal" referred to in the letter of inquiry reads as follows:

"PROPOSED PLAN FOR PROVIDING DENTAL SERVICES TO NEEDY CHILDREN

"1. This plan, as described, is advanced by the dentists of Jefferson County as a means of providing some of the dental care that is greatly indicated among needy children who are residents of the county.

"Briefly, the proposal is that at the beginning, at least, the dental service will operate one day a week and will be for children twelve years of age or under who are residents of this county and whose parents or guardians have been screened by the Welfare Department as financially unable to provide the care out of their own resources.

"The dentist who will serve in the Health Center will be a dentist who is already in practice in the county.

"2. WHO WILL BE SERVED---Only children twelve years or under. This is the period of life when most constructive dental results may be obtained. It is also the period of life when a child can be most easily influenced concerning his future interest in his own dental needs. If some limitation from an age standpoint is not enforced, our efforts would be so scattered that little impression on dental needs could be made. All children served will be screened by the Welfare.

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"3. TYPE OF DENTAL CARE TO BE GIVEN---

- (1) Silver and silicate fillings,
- (2) Extractions where necessary, (3) Gum treatments, (4) Space maintainers, (5) Oral prophylaxis.

"4. REFERRALS---Teachers who observe a dental need in the indicated age group may refer cases through the Welfare Agency. School nurses may do the same. Public Health Nurses will also have this privilege. Clearance by Welfare may be an office procedure because the family is already known, otherwise parents or guardians of the child must visit the Welfare Agency for interview. The responsibility for getting the child to the Health Center should be left with the child's family except in unusual situations. The person referring the child to the Welfare should make inquiries as to feasibility of the family following through on this responsibility without help.

"5. PERSONNEL---(1) One dentist employed the equivalent of one day a week. (2) One assistant for the dentist employed in the same manner.

"6. RECORDS-EQUIPMENT-OFFICE SPACE-SUPPLIES
---These will all be supplied by the Jefferson County Health Department; estimated cost is \$600.00 annually.

"7. PAY OF DENTIST AND DENTAL ASSISTANT---
As the work outlined is of the nature of medical care, it seems necessary that the pay of the dentist and the dental assistant be provided from sources other than the revenue derived from the Health Unit tax. It is estimated that the annual cost for the dentist and dental assistant, on this basis, will amount to \$2000.00 annually."

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From the "proposal" submitted it is apparent that the purpose of the agreement is to provide limited dental care for children of indigent parents at a cost of \$2,000.00 per annum. Your inquiry submits the question of the source from which such sum is to be paid.

It first becomes pertinent to determine whether such dental services may be rendered in connection with the operation of a county health center. We direct your attention to the provisions of Section 205.050, RSMo 1949, reading as follows:

"The public health center is established, maintained and operated for the improvement of health of all inhabitants of said county or counties."

Certain limitations exist with respect to the use of county health centers which are embodied in Section 205.060, RSMo Cumulative Supplement, 1953, reading as follows:

"The board of county health center trustees shall not enter into contracts for the private practice of medicine, nor shall any of its personnel practice medicine nor dispense drugs, vaccines or serums for personal gain, nor shall its facilities be used for such purpose in any way except as it may be necessary and agreed upon between the board and county court or courts for the care of the indigent for whom the court or courts may be responsible, or except in furtherance of diagnostic and communicable disease control programs." (Emphasis ours.)

The limitations expressed disclose that it is properly within the purview of the activities of a county health center to render medical service provided such services are not rendered for personal gain and further provided, that such services are rendered under an agreement between the county health center and a county court for the care of the indigent for whom the court may be responsible.

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Adverting to the "proposal" attached to your letter of inquiry we note that only children of indigent parents will be permitted to receive the dental services described in the agreement. Being in this financial classification such children therefore are proper subjects for the expenditure of county funds for their medical treatment.

It next becomes important to determine the source from which the proposed \$2,000.00 shall be paid. We direct your attention to Section 205.042, RSMo Cumulative Supplement, 1953, reading, in part, as follows:

"4. The board of health center trustees shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the county health center as may be deemed expedient for the economic and equitable conduct thereof. They shall have the exclusive control of the expenditures of all moneys collected to the credit of the county health center fund, and of the purchase of site or sites, the purchase or construction of any county health center buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose. All moneys received for the county health center shall be deposited in the county treasury to the credit of the county health center fund, and paid out only upon warrants ordered drawn by the county court upon properly authenticated vouchers of the board of health center trustees.

"5. The board of health center trustees may appoint and remove such personnel as may be necessary and fix their compensation; and shall in general carry out the spirit and intent of this chapter pertaining to establishing and maintaining a county health center. * * *"

It seems to us that this provision with respect to the payment of the salaries of personnel of the county health center is exclusive.

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CONCLUSION

In the premises we are of the opinion that the salaries of dentists employed by a county health center for the purpose of rendering dental care to the children of indigent parents pursuant to an agreement with respect thereto with the county court are to be paid from the funds of such county health center.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Very truly yours,

JOHN M. DALTON
Attorney General

WFB:vlw