



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

September 3, 1957

Honorable Raymond W. Vowell
Acting Executive Director
Board for Texas State Hospitals
and Special Schools
Box S, Capitol Station
Austin, Texas

Opinion No. WW-253

Re: The validity of the appropriation to the Board for Texas State Hospitals and Special Schools of moneys collected for the care and treatment of patients at out-patient clinics established pursuant to the provisions of Article 3174b-4, Vernon's Civil Statutes.

Dear Mr. Vowell:

You have requested an opinion on the validity of the rider in House Bill 133, Acts of the 55th Legislature (General Appropriation Act) for the fiscal years ending August 31, 1958 and August 31, 1959, which rider provides:

"The Board for Texas State Hospitals and Special Schools is authorized to charge at out-patient facilities designated above for treatment and medication to patients treated on an out-patient basis not to exceed the daily charge for hospitalization in state institutions. An additional charge may be made for medication dispensed to patients not to exceed the cost to the State.

"Proceeds from the sale of medication and treatment are hereby reappropriated to the out-patient clinics for 'Other Operating Expenses'."

House Bill 169, Acts of the 55th Legislature, Regular Session, 1957, ch. 427, p. 1280, codified in Vernon's as Article 3174b-4, authorizes the establishment of out-patient clinics. Section 6 of House Bill 169 provides:

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"Upon the completion of the buildings and facilities for either or both of said research hospital or the larger separate mental hospital, the Board for Texas State Hospitals and Special Schools shall appoint such personnel as are necessary to operate and maintain such hospital and clinic and to adequately treat such patients as are admitted, within the limits of legislative appropriations. The Board for Texas State Hospitals and Special Schools shall admit patients to the area or community hospital and shall provide for their care and maintenance under the same applicable laws, rules and regulations as govern the admission and care of mentally ill persons provided for in the General Laws of the State of Texas governing institutions for the care of the mentally ill. The out-patient clinic shall be operated under such rules and regulations as the Board may promulgate.

"The Board for Texas State Hospitals and Special Schools is hereby authorized, in its discretion, to operate and maintain such hospital and clinic as a part of such other hospital as may be constructed or operated by the Board." (Emphasis ours)

Article 3196a, Vernon's Civil Statutes, provides for the admission and care of mentally ill persons and authorizes the Hospital Board to charge relatives and guardians of the estate of mentally ill patients for the care and treatment of such patients.

The above quoted rider of the appropriation to the Hospital Board constitutes an appropriation of the moneys collected pursuant to the provisions of Section 6 of House Bill 169, Acts of the 55th Legislature, Regular Session, 1957, ch. 427, p. 1280, and Article 3196a, Vernon's Civil Statutes.

You are, therefore, advised that the rider in question is valid and is supported by pre-existing law. Therefore, the moneys collected pursuant to the provisions of Section 6 of Article 3174b-4 are appropriated to out-patient clinics for other operating expenses.

SUMMARY

The Rider contained in the appropriation to the Board for Texas State Hospitals and Special Schools in House Bill 133 Acts of the 55th Legislature, Regular Session, 1957, (General Appropriation Act) appropriating moneys collected for the treatment and medication to patients of out-patient clinics as provided for in Section 6 of Article 3174b-4, Vernon's Civil Statutes, is valid and such money is appropriated for other operating expenses for out-patient clinics established by the provisions of Article 3174b-4, Vernon's Civil Statutes.

Yours very truly,

WILL WILSON
Attorney General of Texas

By *John Reeves*
John Reeves
Assistant

JR:zt

APPROVED:

OPINION COMMITTEE

H. Grady Chandler, Chairman
Howard Mays
James W. Wilson
Sam Lane

REVIEWED FOR THE ATTORNEY GENERAL
BY:

Geo. P. Blackburn