

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

### DIVISION FOUR

GASCONADE COUNTY COUNSELING )	No. ED93672
SERVICES, INC., Respondent, )	
)	
Respondent, )	Appeal from the Circuit Court
)	of Osage County
vs. )	
)	
MISSOURI DEPARTMENT OF )	
MENTAL HEALTH, Appellant. )	Filed: June 15, 2010

Who may receive compensation under the Community Mental Health Services Act for providing mental health services to county residents is the issue presented in this appeal. The Missouri Department of Mental Health, Division of Comprehensive Psychiatric Services (the Department) appeals from the trial court's judgment declaring that for-profit corporations are not disqualified under Section 205.981, RSMo 2000 from being eligible to receive compensation from a Missouri county's community mental health fund for mental health services rendered to the county's residents.

The Department contends that eligibility to receive compensation from the community mental health fund is limited to public facilities and not-for-profit entities, and argues that the trial court erroneously interpreted Section 205.981 and erroneously invalidated Department regulation 9 CSR 30-2.010 to the extent that the regulation conflicted with Section 205.981.

### AFFIRMED

Division Four Holds:

*(1) Point One – Interpretation of Section 205.981:*

We read Section 205.981 to list four separate entities (*community mental health center, mental health clinic, public facility, or not-for-profit corporation*), each of whom are alternatively eligible for the Department's designation to receive compensation for the Fund. Accordingly, the failure of an entity to fall within the classification of either a public facility or not-for-profit corporation is not fatal to that entity's eligibility to contract with the Board to provide mental health services and receive corresponding compensation from the Fund. So long as an entity may be appropriately classified as one of those four separate entities, said entity is eligible for the Department's designation. For-profit corporations are not per se disqualified due to their for-profit status.

*(2) Point Two – Department Regulation 9 CSR 30-2.010:*

To any extent that 9 CSR 30-2.010 contradicts this Court's interpretation of Section 205.981 by introducing an entity's for-profit status as a condition of eligibility for compensation from the Fund, it is a nullity.

Opinion by: Kurt S. Odenwald, P.J.  
George W. Draper III, J., and Gary M. Gaertner, Jr., J., Concur

Attorney for Appellant: Chris Koster, J. Scott Stacey and James R. Layton

Attorney for Respondent: Lawrence J. Altman and Paul W. Lore

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