



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

December 4, 2025

The Honorable Anderson McFarland
President, Chickasaw County Board of Supervisors
1 Pinson Square
Houston, Mississippi 38851

Re: Funds Provided by Nursing Home

Dear Mr. McFarland:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, Chickasaw County (“County”) currently receives money from the Shearer-Richardson Memorial Nursing Home (“Nursing Home”) in Okolona, Mississippi, pursuant to Mississippi Code Annotated Section 41-13-38. Previously, this money has been used to fund ambulance services.

Question Presented

Does the County have the authority to use the money it receives from the Nursing Home to fund other emergency services such as providing fire and rescue equipment and 911 services?

Brief Response

The County may use funds from the Nursing Home for additional emergency services if the Nursing Home determines “that such action will benefit the health or welfare of the citizens of the service area” in accordance with Section 41-13-38.

Applicable Law and Discussion

Pursuant to Section 41-13-38, the board of trustees of a community hospital, which includes a nursing home established in accordance with Sections 41-13-10 *et seq.*, “may provide financial assistance or provide grants to nonprofit health-care provider groups and other recognized nonprofit entities and charities where it is determined by the board that such action will benefit the

health or welfare of the citizens of the service area.”¹ In the *Snell* opinion, we were asked whether a county could use funds from a county nursing home for the layout and construction of restrooms, pavilions, and a community wellness center at a county-owned park. MS AG Op., *Snell* at *1. We stated that whether this use was permissible is a factual determination that must be made by the board of trustees of the nursing home. *Id.*; see also MS AG Op., *Hopkins* at *2 (opining that “[a] community hospital may donate funds to the county upon making the findings required in Section 41-13-38.”) (internal citations omitted). Accordingly, the County may use funds from the Nursing Home for additional emergency services if the Nursing Home determines “that such action will benefit the health or welfare of the citizens of the service area” in accordance with Section 41-13-38.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Beebe Garrard

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION

¹ Historically, counties have been allowed to receive funds pursuant to this statute. See MS AG Ops., *McKenzie* at *3 (Sept. 25, 1989) (opining that the construction of walking tracks “would be a legitimate exercise of the authority granted by § 41–13–38(2) as financial assistance to Forrest County”); *Hall* (Aug. 30, 2012); *Hopkins* (Nov. 4, 2016); *Snell* (June 22, 2018). Although not per se a nonprofit entity, a county is a political subdivision of the State and does not act as a for-profit enterprise. In that regard, a county shares features with a nonprofit entity, and in this particular statutory situation, a county and a nonprofit are functionally the same since they are using the community hospital’s money for the health and welfare of its citizens.