

1981 WL 157833 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1981

*1 Mr. Blinzy L. Gore
Claflin College
Orangeburg, South Carolina 29115

Dear Mr. Gore:

You have requested an opinion as to whether a teacher who retires under the provisions of [§ 9-1-1650, 1976 Code of Laws of South Carolina](#), is eligible for coverage under the State Group Health Insurance Program.

Apparently it was formerly the case that a person who elected to leave his contributions with the State under [§ 9-1-1650](#) and begin drawing retirement at a later date upon his retirement from some other, non-covered employment, was nevertheless eligible for coverage under the State Health Insurance Program.

The present contract of insurance, however, provides that in order for there to be coverage under the health insurance policy, the retiree must have been employed by a public employer at the time of his retirement. This, as I understand it, represents a change in the insurance contract from prior years.

Unfortunately, I am aware of no statute which sets out minimum prerequisites for coverage under the State Health Insurance Plan. Apparently, coverage is negotiated each year by the Budget and Control Board and the health insurer. The general law is to the effect that where a cancelation or modification of coverage such as this occurs before liability under the policy has attached (i.e., prior to retirement in this case), the insurer is released from any liability that might otherwise subsequently accrue. It is therefore the opinion of this Office that the insurer and the Budget and Control Board may, by agreement, modify the insurance contract from year to year to add or subtract coverage groups.

I regret that this result can not be more favorable to your interests.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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