

1982 WL 189525 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1982

*1 Mr. Philip G. Grose, Jr.
Director
State Reorganization Commission
Post Office Box 11488
Columbia, South Carolina 29211

Dear Mr. Grose:

You have requested the opinion of this office on the question of whether there are any constraints which would prevent the discontinuance of service at the Catawba Detoxification Center in Rock Hill to Lancaster Area residents. From what I understand, this request stems from the fact that the Lancaster County Council has refused for the past two years to participate in a per capita share of the funding for this facility.

Since I could find no statutory authority providing for the establishment of the Catawba Detoxification Center, I have contacted Foster Routh, Assistant Director of the South Carolina Commission on Alcohol and Drug Abuse, and Frank S. Snyder, Executive Director of the York County Commission on Alcohol and Drug Abuse, to obtain information concerning the creation of the Center. The conclusions that I will reach herein will, necessarily, be based on information which they have supplied to me.

My research indicates that the Catawba Detoxification Center was created in 1979 and funded through an appropriation in 1979-80 State Budget. See, Attachment No. 1, the South Carolina State Budget for 1979-80, pp. 1546 and 1547. At the time the detoxification center was first funded, it appeared in the State Budget as a line-itemed appropriation of \$120,000 to the Alcohol and Drug Abuse Commission for 'a 10 to 12-bed social setting detoxification center to serve York-Lancaster-Chester Counties.' I am further informed by Mr. Snyder that at the time the money was appropriated, there was an understanding among the three counties concerned, that \$120,000 would not be sufficient to operate the detoxification center, and that to supplement this amount, each of the three counties would be required to contribute the extra funding needed on a per capita share basis. According to Mr. Snyder, both York and Chester have supplied their share of the assessed supplemental funding, but Lancaster County has continually refused to contribute its share.

I am further informed by both Mr. Snyder and Mr. Routh that in the 1980-81 and 1981-82 state budgets, the \$120,000 appropriated for the detoxification center no longer appeared as a specific line item, but was included instead in the more general appropriation to the Alcohol and Drug Abuse Commission in the category entitled 'Subcontract with Entities—Treatment.' I have been told that the Catawba Detoxification Center operates pursuant to a contract entered into between the York County Commission on Alcohol and Drug Abuse and the South Carolina Commission on Alcohol and Drug Abuse, and is not a separate agency in itself. See, Attachment No. 2, Portion of Contract between York County Council on Alcohol and Drug Abuse and the South Carolina Commission on Alcohol and Drug Abuse regarding detoxification center. It appears that these two entities have the authority to determine who the Center will serve, and that this should be specified in the contract, but according to Mr. Routh and Mr. Snyder, there are currently no contractual or other provisions regulating the delivery of detoxification services to any particular group of clients.

*2 This is, then, in summary, the information that I have gleaned in an attempt to answer your question. Since I have been unable to find any requirements that Lancaster area residents be served by the detoxification center, my response to your question is that there are no constraints of which we are aware that would prevent the discontinuance of service at the Catawba Detoxification Center to Lancaster County residents as long as Lancaster County refuses to provide its share of the Center's

funding. This is the conclusion that is mandated by principles of equity, for otherwise the Counties of Chester and Rock Hill would be placed in the position of subsidizing the treatment of residents of Lancaster County. By the same token, if Lancaster County does provide its share of funding for the Center, its residents should be provided service as envisioned at the Center's inception.

Very truly yours,

Helen T. Zeigler
Staff Attorney

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