

1980 WL 120674 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 14, 1980

*1 Larry C. Batson, Esquire
Legal Advisor
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29210

Dear Larry:

You have requested the opinion of this Office concerning the propriety of requiring inmates of the Department on work release to acquire group health insurance. It is my understanding that all inmates on work release are required to be responsible for their own medical expenses while on the program. If the inmates become ill or injured or are unable to bear the attendant medical expenses, they are moved from the program and transferred to a departmental medical facility in accordance with the Department's ultimate responsibility for the medical care of inmates.

The Department has engaged in negotiations with insurance carriers and you have submitted a proposal submitted by Blue Cross—Blue Shield of South Carolina. You inquire as to the propriety of the Department to enter into this contract, whereby Blue Cross—Blue Shield would provide group health insurance to inmates on work release. Your particular questions go to the compulsory aspects of the program and the single vendor aspect.

I assume our opinion is directed to whether or not there is any impediment legally or constitutionally to the Department requiring inmates on work release to participate in a particular group health insurance program as a prerequisite to placing them on work release. The wisdom or merit of a particular program would, of course, not be a concern of this Office.

There appears to be no statutory prohibition to a requirement that inmates on work release participate in a particular group health insurance program. [Section 24-3-20, et seq. of the 1976 Code](#), which authorizes the Board of Correction to place certain prisoners on work release and which provides for the disposition of their wages neither specifically permits nor prohibits the Department from making such a requirement. Since there is no express prohibition, it certainly can be argued that the Department may impose reasonable conditions and requirements on work release participants and may make reasonable requirements in the administration of the work release program.

There is further no prohibition to the Department entering into a contract for group insurance with one company. Your request does not, I assume, deal with any statutory requirement for the Department to entertain bids. It is further my understanding from the proposal and accompanying papers that inmates on work release are not required to participate in this particular group health insurance program if they can acquire and provide proof of other adequate coverage, or acquire similar coverage from their employers, or in those cases where employers require participation in their company group plan. It is further my understanding that participation in a work release program is voluntary and only those who seek to participate in the work release programs must meet the preconditions.

*2 In view of all of this, it is, therefore, our conclusion that there is no constitutional or statutory impediment to the Department of Corrections requiring participants in its work release program to obtain health insurance and it may provide this insurance through a particular group plan.

I hope this answers the question which you raised. If there is anything further, please do not hesitate to let me know.

With kindest regards.

Very truly yours,

Emmet H. Clair
Deputy Attorney General

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