

1977 WL 46007 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1977

MEMORANDUM

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Attorney at Law

QUESTIONS:

1. What is the responsibility of the Charleston County Government and the Charleston County Social Services Board to provide and pay for hospitalization and treatment of the poor and indigent of Charleston County?
2. What, if any, is the responsibility of the Medical University to provide and pay for the hospitalization and treatment of the poor of Charleston County?

STATUTES AND CASES:

Article 2 of Chapter 7, WELFARE, local provisions, § 71-326(2) Charleston Local Laws; South Carolina Code of Laws (1976), §§ 43-3-60, 44-35-100.

1. According to an opinion written by the County Attorney for Charleston County, Article 2 of Chapter 7, WELFARE, local provisions, places the responsibility of hospitalization with the Charleston County Social Services Board. Section 71-326(2) provides:

“It shall be charged with the duty of coordinating all public welfare agencies and supervising the carrying out of all public welfare measures, including provisions for hospitalization and treatment of the poor, indigent and aged in the county and care and disposition of persons of unsound mind, and any other health or welfare activity for which funds of the county shall have been appropriated and provided.”

From this Section it is apparent that the County Board of Social Services is charged with the duty of care and hospitalization of the poor of the county.

Section 43-3-60 of the Code of Laws of South Carolina (1976) provides that, “each of the county boards may use any funds supplied to it by the county in which it operates for such purposes as may be directed by law,” Section 71-326(2) of the local provisions, supra, still places the funding responsibility upon the county.

Both the Charleston County government and the Charleston Board of Social Services are given the responsibility to provide for hospitalization and care for indigents of the county.

3. The Medical University of South Carolina has no responsibility to provide and pay for hospitalization of indigents. Although Title 44, Chapter 35 of the South Carolina Code of Laws (1976) establishes the statewide clinic as a branch of the Medical University; § 44-35-100 provides that the Department of Health and Environmental Control shall provide for indigents receiving treatment at the clinic.

CONCLUSION

Responsibility for the hospitalization and care of indigents of Charleston County rests jointly with the Charleston County government and the Charleston Board of Social Services.

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