

1976 WL 30644 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 5, 1976

*1 Mr. John E. Wise
Vice President and Treasurer
Medical University of South Carolina
80 Barre Street
Charleston, South Carolina 29401

Dear Mr. Wise:

Thank you for your letter of February 2, 1976, inquiring whether the Medical University has authority under the law to agree to provide further medical services required as the result of an incident which occurred during the course of treatment for Mr. John E. Strom while a patient at the Medical University. The life of such an agreement would be during the lifetime of Mr. Strom.

I think that the Medical University has the authority to enter into such an agreement in view of the claim that Mr. Strom has made for the injuries which he alleges are the result of the incident referred to while a patient at the Medical University and the validity of his claim is recognized by the Medical University.

While the governing body of an entity, such as the Medical University, does not normally have the authority to enter into contracts so as to bind their successors in office, there are exemptions from the application of such a rule. These relate primarily to contracts which by their very nature are not susceptible of piecemeal interruption by successors in office. Leases of real estate and mortgages are illustrations of such exempted contracts. It is my opinion that a contract to furnish medical services for a injury suffered by a patient in circumstances such as exist here would be exempted from the general rule that a public body does not have the authority to bind its successors in office by contract.

Such a contract, however, should be carefully framed so as to underwrite medical treatments in the future, only with respect to those treatments which are attributable to the actions of Medical University personnel which resulted in the injuries to Mr. Strom.

Very truly yours,

Daniel R. McLeod
Attorney General

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