

1979 WL 42978 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 3, 1979

*1 Mrs. Bonnie L. Carroll
Administrative Assistant
State Board of Examiners of Nursing Home Administrators
P.O. Box 11477
Columbia, South Carolina 29211

Dear Mrs. Carroll:

You have asked for legal guidance in application of certain regulations of the State Board of Examiners for Nursing Home Administrators. It appears to me that R93-5a(5) and R93-5a(8) of the South Carolina Code of Laws apply differing formal education requirements for the same license. Thus, I would consider these provisions to be in conflict and would advise that one should be amended to reflect the actual intent of the Board.

My examination of §§ 40-35-10 et seq. of the Code and the regulations of the State Board reveal that the Board issues but one license, that of the Nursing Home Administrator. See § 40-35-30 Code of Laws for South Carolina, 1976 as amended. Therefore, the different formal education requirements of R93-5a(5) and R93-5a(8) create a potential conflict which should be resolved.

You have also inquired as to whether legal advice to the Board vis-a-vis correspondence or otherwise, is exempt from public disclosure. Section 30-4-40(7) Code of Laws for South Carolina, 1976, as amended, recognizes specifically and exempts from public disclosure privileged advice from legal counsel.

If I can be of further assistance, please feel free to call on me.

I remain,
Very truly yours,

Edwin E. Evans
Assistant Attorney General

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