

1975 S.C. Op. Atty. Gen. 83 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4010, 1975 WL 22308

Office of the Attorney General

State of South Carolina

Opinion No. 4010

April 7, 1975

*1 Representative Robert C. Toomey

State House

Columbia, South Carolina

Dear Mr. Toomey:

You have requested an opinion as to the constitutionality of a proposed committee bill to allow a physician to report to the State Highway Department any patient who he examines and finds medically unfit to operate a motor vehicle.

In our opinion, the bill, which is similar to an already-existing statute regarding the reporting of child abuse cases to appropriate authorities [see, Sections 20–310 et seq., Code of Laws of South Carolina, 1962, as amended (Cum. Supp.)], is constitutional and does not infringe upon the privacy of the patient/physician relationship. As you may know, South Carolina follows the common law in this regard and does not recognize the existence of any physician-patient privilege. See, e.g., Peagler v. A.C.L.Ry.Co., 232 S.C. 274, 101 S.E.2d 821 (1958).

With kindest regards,

Karen LeCraft Henderson

Assistant Attorney General

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