

1975 WL 28966 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 30, 1975

*1 An organization engaged in the business of transporting invalid patients who do not need immediate attention is not subject to regulation under §§ 32-905.31 et seq. (1974 Emergency Medical Service Act).

Committee Chairman
Emergency Medical Services Advisory Council

QUESTIONS PRESENTED:

Does transportation of invalids who do not require immediate medical attention but who do need to be transported in a prone position come within the 1974 Emergency Medical Services Act (§§ 32-905.31 et seq.)?

STATUTES, CASES, ETC. INVOLVED

§§ 32-905.31 et seq., 1962 CODE OF LAWS OF SOUTH CAROLINA (Act No. 1118 of 1974).

DISCUSSION OF ISSUE

When an organization offers only the service described above, a question arises as to whether it must comply with the various licensing and permit requirements of the Emergency Medical Services Act. The title of the Act is of cardinal importance as an aid to its proper application:

‘An Act To Provide For Establishment of Standards For the Improvement of Emergency Medical Services . . . And Providing For an Emergency Medical Services Advisory Council.’ (emphasis added)

Article 3, Section 17 of the Constitution of South Carolina provides that the subject of an Act must be expressed in the title. Since the title of the above act mentions only emergency services, it cannot validly apply to the situation described above unless that service can be construed to be an ‘emergency’ service.

Webster's New World Dictionary (1964) defines ‘emergency’ as ‘a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.’ The situation described above clearly does not fit within this definition; a patient in such a situation needs a special form of transportation, but there is nothing necessarily immediate about his need.

CONCLUSION

It is thus the opinion of this Office that the mere transportation of patients in a prone position, without an immediate need for such transportation, does not constitute an ‘Emergency Medical Service’ and thus is not subject to the provisions of §§ 32-905.31 et seq.

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