

1974 WL 27695 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1974

*1 Dr. R. Archie Ellis
Commissioner
South Carolina Department
of Social Services
Post Office Box 1520
Columbia, South Carolina 29202

Dear Dr. Ellis:

I regret the delay in answering your letter requesting an opinion as to the interpretation and application of Section 71-181 through 184, Code of Laws of South Carolina (1962).

Section 71-181 applies generally to all boarding homes, rest homes and convalescent homes operating in this State, whether they derive their income from public or private sources. The Legislature in Section 71-182 unambiguously vested the authority in your Department to 'regulate, investigate and inspect all such homes . . .'

'One of the most elementary rules for the interpretation of statutes is that the intention of the Legislature must be gathered from a literal interpretation of the language of the statute where it is plain and unambiguous . . .'. [Independence Ins. Co. v. Independent Life & Acc. Ins. Co.](#), 218 S.C. 22, 61 S.E. 2d 399.

The only exceptions to the authority granted in these provisions are stated in Section 71-183 and Section 71-183.1. Unless the boarding home operators who have refused entry to your personnel can show that they are subject to and are in fact licensed by the Department of Health and Environmental Control or the State Department of Mental Health, then in the opinion of this Office they are clearly included under Section 71-181 and Section 71-182 and 71-184. Your personnel does have the authority to investigate, inspect and license their premises.

Any home subject to licensing which does not comply with the licensing provisions and rules and regulations promulgated is subject to the penal provisions of Section 71-184.

Very truly yours,

Raymond G. Halford
Assistant Attorney General

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