

1972 WL 25214 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1972

***1 Re: Act No. 288 of 1971; the State Hospital Construction and Franchising Act**

Mr. Walton J. McLeod, III
General Counsel
State Board of Health
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. McLeod:

By letter of February 14, 1972, you requested an opinion from this Office regarding the above-described Act. You are specifically concerned about Sections 32–762(4) and (6), relating to the definitions of ‘hospital’ and ‘franchising’ and whether the term ‘hospital’ can be construed to include only those facilities which are currently being licensed by the State Health Department.

Section 32–762(4) defines the term ‘hospital’ and included several types of facilities that you are not currently licensing. Section 32–762(6) defines the term ‘franchising’ but does not seem to put any limitations on the term ‘hospital’ other than those set forth in the definition of ‘hospital.’ Furthermore, a cursory inspection of the Act does not reveal any additional restrictions on the term as defined in Section 32–762(4).

Accordingly, it is my opinion that the term ‘hospital’ must be construed to include all of the facilities set forth in the definition of Section 32–762(4) and that these facilities must be franchised in accordance with the provisions of the Act.

If you would like to further discuss this matter, please give me a call.

Very truly yours,

Edwin B. Brading
Assistant Attorney General

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