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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON  
ATTORNEY GENERAL

November 30, 2001

Mr. Donnie J. Weeks  
President & CEO  
Kershaw County Medical Center  
Haile and Roberts Streets  
Camden, SC 29020-7003

Re: Advisory Opinion for Kershaw County Medical Center forming a Partnership with a Private Physician Group

Dear Mr. Weeks:

This is a follow-up to your letter to the Attorney General dated October 8, 2001, and our telephone conversation of November 29, 2001, in regard to the above matter.

In your correspondence, you ask the following:

[W]hether a public hospital, created by an act of the legislature can establish a private for-profit entity with hospital assets which in turn would enter a partnership or stockholder arrangement with a private for-profit entity to establish an ambulatory surgical center.

Based upon the factual scenario you set forth in your correspondence, it appears to be that such an arrangement would be prohibited in that the State Constitution clearly prohibits public agencies from engaging in joint ownership with private parties. *See Richard S. Nichols, individually and on behalf of all others similarly situated v. The South Carolina Research Authority, et al.*, 290 S.C. 415, 351 S.E.2d 155.

This is an informal opinion. It has been written by the designated Senior Assistant Attorney General and represents the opinion of the undersigned attorney as to the specific question asked. It has not, however, been personally reviewed by the Attorney General nor has it been officially published in the manner of a formal opinion.

Request Letter

Mr. Donnie J. Weeks  
Page 2  
November 30, 2001

If we can be of further assistance, please do not hesitate to contact us.

Very truly yours,



C. Havird Jones, Jr.  
Senior Assistant Attorney General

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