

1980 WL 120992 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1980

\*1 Walton J. McLeod, III, Esquire  
General Counsel  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, South Carolina 29201

Dear Mr. McLeod:

You have requested an opinion as to whether chiropractic facilities are to be licensed by the Department of Health and Environmental Control pursuant to [Regulation 61-15](#), or by the Board of Chiropractic Examiners pursuant to Act No. 307 of 1980. It appears that the Board of Chiropractic Examiners is not granted any specific authority pursuant to Act No. 307 to license any facilities. It further appears that the Department of Health and Environmental Control would be permitted to license a chiropractic facility if that facility was a hospital or other institution which renders medical or nursing care, as those terms are used in [§§ 44-7-120, et seq. Code of Laws of South Carolina, \(1976\)](#).

This Office has previously ruled in an opinion dated April 26, 1977, that 'chiropractic hospitals' were 'hospitals' as defined by § 44-7-130(4) and thus subject to the requirement of a license from the Department of Health and Environmental Control. It would appear that this licensing authority would extend to any facility which provides 'for the care and treatment of persons in hospitals and other institutions which render medical and nursing care.' [§ 44-7-120, Id.](#) Insofar as a chiropractic facility would fall within the above categories, it would be subject to licensing by the Department of Health and Environmental Control. However, it is possible that there might be some 'chiropractic facility' which does not fall within the above categories because it renders neither medical or nursing care. In those instances it would appear that the Department of Health and Environmental Control does not have the authority to license such facilities. However, there does not appear to be a grant of authority to the Board of Chiropractic Examiners to license such facilities either, as the Board of Chiropractic Examiners' authority in this regard extends only to adopting 'regulations concerning patient care and treatment . . . ' § 3, Act No. 307, Acts and Joint Resolutions, South Carolina, 1980.

Sincerely yours,

David C. Eckstrom  
Assistant Attorney General

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