

1977 S.C. Op. Atty. Gen. No. 320 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-390, 1977 WL 29127

Office of the Attorney General

State of South Carolina

Opinion No. 77-390

December 12, 1977

***1 RE: To what extent are the Department of Mental Health and the Division of Community Mental Health Services limited in procuring insurance against potential liabilities under Act No. 182 (1977)?**

William S. Hall, M.D.

State Commissioner of Mental Health

MEMORANDUM

DISCUSSION:

Act No. of 1977 provides that the State Budget and Control Board, through the Division of General Services, shall provide insurance to the following: the State, its departments, agencies, institutions, commissions, boards, and personnel employed by such departments, etc. The Act provides that any political subdivision of the State may obtain insurance as provided by the Act. For such State agencies or departments, the exclusive means by which to procure such insurance is through the Division of General Services.

However, hospitals—as a separate entity—are allowed to obtain insurance through the Division of General Services where such hospitals are supported wholly or partially by public funds; these hospitals are not limited to the General Services insurance, but may obtain insurance elsewhere. This Section of the Act applies only to hospitals within the State utilizing public funds.

The Department of Mental Health and the Division of Community Mental Health Services, as State agencies and departments, are limited to the Division of General Services in obtaining insurance.

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