

1976 S.C. Op. Atty. Gen. 238 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4398, 1976 WL 23016

Office of the Attorney General

State of South Carolina

Opinion No. 4398

July 20, 1976

*1 Mr. W. L. Moore, Jr.

Executive Director

Pee Dee Regional Health Systems Agency, Inc.

Post Office Box 5959

Florence, SC 29501

Dear Mr. Moore:

The State Workmen's Compensation Fund and the State Division of General Services have requested my opinion as to whether Pee Dee Regional Health Systems Agency, Incorporated (Pee Dee), is eligible for insurance coverage by those agencies. To qualify, an agency must be an agency of the State or one of its political subdivisions. See sections 72–455, 456 (State Fund, and 1–359.1 (Division of General Services).

Pee Dee is created pursuant to the National Health Planning and Resources Development Act of 1974 (P.L. 93–641), codified at [42 USC section 300K](#) et seq.

The federal Code at [42 USC section 300\(l\)\(1\)\(b\)\(1\)](#) sets forth the legal structure of health systems agencies such as Pee Dee, which are created pursuant to the Act. That section states in part as follows:

A health systems agency for a health service area shall be:

- (a) a non-profit private corporation . . .
- (b) a public regional planning body . . . or
- (c) a single unit of general local government . . .

Based on the information you supplied, it appears that the legal structure of the Pee Dee Regional Health Systems Agency, Incorporated, is that of a subsection (a) ‘non-profit private corporation’ as opposed to that of a state or local entity under either subsection (b) or (c).

It is, therefore, my opinion that Pee Dee is not an agency of the State or one of its political subdivisions and that it is not eligible for insurance coverage by the State Workmen's Compensation Fund or by the Division of General Services.

Very truly yours,

Edward E. Poliakoff

Assistant Attorney General

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