

1974 WL 27589 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 10, 1974

***1 Re: Patients' Personal Funds**

Dr. R. Archie Ellis
Commissioner
South Carolina Department
of Social Services
Post Office Box 1520
Columbia, South Carolina 29202

Dear Dr. Ellis:

This is in response to your inquiry of December 18, 1974, with reference to patients' personal funds in intermediate care facilities. While the inquiry is limited factually, I would advise that normally, while the patient is one of your clients when he is institutionalized, he is not a ward of the State or a ward of your Department. The fact that Title XIX may pay for his care would not, in the opinion of this Office, authorize you to intercede on behalf of a patient where it may appear that there has been an improper use of his personal funds. Basically, this, of course, is the responsibility of the patient or a member of his family, and they would have the right to intercede.

Due to the very limited facts disclosed, I would advise you that normally insofar as the personal property of the patient is concerned, if his valuables are delivered to the facility for safekeeping, you would normally have a contract of bailment. In other cases, there may be a constructive bailment, and in other cases, if monies are deposited with the facility and a receipt issued, the relationship of debtor and creditor may arise.

Since there are no State funds involved, but the personal funds of the patient, if there has been an 'improper use' of the patient's funds, then the matter would be the responsibility of the patient's family.

If I may be of further assistance, kindly let me know.

Very truly yours,

Raymond G. Halford
Assistant Attorney General

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