

1974 S.C. Op. Atty. Gen. 254 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3844, 1974 WL 21347

Office of the Attorney General

State of South Carolina

Opinion No. 3844

August 23, 1974

**\*1 Re: Licensing of Out-patient or Non-resident Treatment Programs for Drug Addicts and/or Alcoholics by the Department of Mental Health**

Mr. Larry W. Propes  
Attorney for South Carolina  
Department of Mental Health  
2414 Bull Street  
Columbia, South Carolina 29202

Dear Mr. Propes:

You have requested an opinion from this office regarding the authority of the South Carolina Department of Mental Health to license out-patient or non-resident treatment programs for drug addicts and/or alcoholics. It is the opinion of this office that § 32-1034, *et seq.*, Code of Laws of South Carolina (1962), clearly mandates that the Commission is charged with the licensing and regulation of all institutions, regardless of the fact that some patients may not be housed in such institutions on a twenty-four hour basis. In keeping with the apparent legislative intent, the statute does not allow for differentiating between patients under treatment who remain in an institution on an in-patient basis as opposed to those who are treated on an out-patient basis. The statute clearly makes no such distinction.

There is sound legal precedent for the proposition that if the various provisions of a statute may fairly be regarded as in the furtherance of the general intent expressed in the title, the statute should be upheld. [Colonial Life & Accident Insurance Company v. South Carolina Tax Commission, 233 S.C. 129 \(1958\)](#). It cannot be gainsaid, then, that the Legislature intended the licensing requirement of § 32-1034 to operate to the exclusion of out-patient treatment programs.

It is the opinion of this office that out-patient or non-resident treatment programs must be licensed by the South Carolina Department of Mental Health, unless the program is exempted by § 32-1034.1 or § 32-1034.13.

Very truly yours,

Raymond G. Walford  
Assistant Attorney General

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