

1982 WL 608956 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 26, 1982

\*1 Mr. N. B. Heyward  
Executive Director  
State Board of Medical Examiners  
1315 Blanding Street  
Columbia, South Carolina 29201

Dear Mr. Heyward:

You have requested an opinion from this Office regarding the duties of the State Board of Medical Examiners with respect to the practice of acupuncture in South Carolina. [Section 40-47-70, CODE OF LAWS OF SOUTH CAROLINA](#), 1976 (Cum.Supp.), provides as follows:

The practice of acupuncture shall be permitted in this State under the supervision and referral of a licensed medical doctor or dentist in facilities approved by the Department of Health and Environmental Control. No acupuncturist shall practice in this State without prior written approval of the State Board of Medical Examiners.

This language requires the Board to approve the practice of acupuncture before an acupuncturist can begin his practice. [Section 40-47-75 of the Code](#) excepts from this requirement any acupuncturist who has been in practice at least one year prior to June 12, 1981. Under this provision, the Board is authorized to ascertain that an acupuncturist will be practicing under the supervision and referral of a physician or dentist and that he will be practicing in DHEC-approved facilities. This provision does not, however, authorize the Board to promulgate rules and regulations for the practice of acupuncture as it is authorized to do with respect to physician's assistants. In order to regulate the practice of acupuncture by rules and regulations, [Section 40-47-70](#) will have to be amended to include the express authority to promulgate rules and regulations as in the case of physician's assistants. [See, § 40-47-60\(4\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. In my opinion, once the Board determines that an acupuncturist will be practicing under the supervision and referral of a physician or dentist in DHEC-approved facilities, it is not authorized to impose any further requirements before giving its approval.

With kind regards,

Karen LeCraft Henderson  
Deputy Attorney General

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