

The State of South Carolina



Office of the Attorney General

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November 2, 1993

The Honorable Herbert Kirsh
Chairman, Sunset Subcommittee
State Reorganization Commission
1105 Pendleton Street, Suite 228
Columbia, SC 29211

Dear Representative Kirsh:

You have requested the opinion of this Office as to whether the practice of psychology is regulated in South Carolina. The laws concerning the State Board of Examiners in Psychology do not regulate the practice of psychology except as those statutes impose certain requirements upon licensed psychologists. Pursuant to § 40-55-60 (Supp. 1992), the Board has adopted a Code of Ethics which must be followed by licensed psychologists. 26 S.C. Code Ann. Regs. 100-4 (Supp. 1992). In addition, Reg. 100-6 provides guidelines concerning advertising by psychologists and Reg. 100-5 sets forth guidelines for the practice of certain specialties in psychology which "are not meant to limit the ability of the licensed psychologist to provide services for which, through training, he/she has developed demonstrable special competencies and skills." In addition to these provisions, the Board may revoke, suspend or otherwise restrict the license of a psychologist or reprimand him or her for acts of misconduct including such matters as fraud, incompetence and violations of ethical rules. § 40-55-150.

Although these laws define the practice of psychology and provide for the supervision of the rendering of psychological services by unlicensed psychologically trained individuals¹ (§ 40-

¹ Section 40-55-70 does state that "[p]sychologically trained individuals who do not meet the requirements for licensing...are permitted to render psychological services when under the direct supervision of a licensed psychologist....", but the law does not otherwise impose any prohibition on the practice of psychology by unlicensed persons.

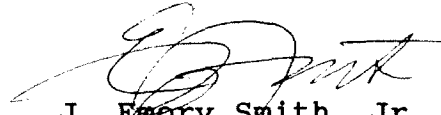
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55-70 and Reg. 100-8), they do not prohibit or regulate the practice of psychology by unlicensed persons except to the extent that they hold themselves out as psychologists under § 40-55-70. This statute prohibits unlicensed persons from using titles incorporating the name "psychologist" and related terms except as otherwise provided in that law for such matters as academic or research titles.

This opinion is not intended to be a catalog of each and every restriction upon licensed psychologists or unlicensed persons who may be practicing psychology, but I hope that it provides you some guidance. In conclusion, the practice of psychology is not directly regulated by State law except that the work of licensed individuals in that profession is affected by provisions such as the Rules of Ethics adopted by the Board. The restrictions upon unlicensed persons primarily consist of their not holding themselves out as psychologists.

If you have any questions or need other information, please let me know.

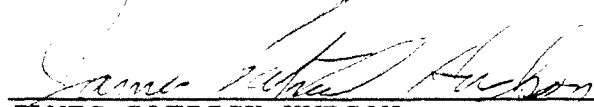
Yours very truly,



J. Emory Smith, Jr.
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