

# The State of South Carolina



## Office of the Attorney General

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November 9, 1993

The Honorable Michael L. Fair  
House of Representatives, Member  
District No. 19, Greenville County  
326C Blatt Building  
Columbia, SC 29211

Dear Representative Fair:

You have requested the opinion of this Office as to whether S.C. Code Ann. § 40-55-50 (1986) applies to the public school classroom. Specifically, you would like to know whether a public school teacher who is involved in testing attitudes and behaviors would meet the definition of practicing psychology so as to be required to meet State requirements for being a psychologist.

Enclosed is a copy of a recent opinion of this Office which concludes that although the laws for the Board of Examiners in Psychology define the practice of psychology and provide for supervision of the rendering of psychology services by unlicensed psychologically trained individuals, 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. Ops. Att'y Gen. November 2, 1993. Therefore, a classroom teacher would not be required to be licensed as a psychologist even though he or she was involved in testing unless the teacher held himself or herself out as a psychologist in violation of that statute. See also §§ 40-55-90 and 40-55-180.

Because these laws prohibit the unlicensed holding out as a psychologist rather than the unlicensed practice of that profession, I express no opinion herein as to whether the teacher is actually performing psychological services. I note, too, that § 40-55-90 also provides that these laws are not intended "...to exclude or prevent other educators certified by the South Carolina Department of Education from performing services of a psychological nature consistent with their competency and certification...."

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I hope that this information is of assistance to you. If you have any questions, please let me know.

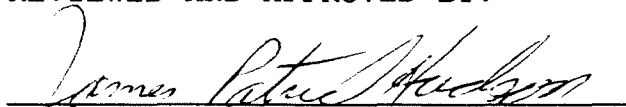
Yours very truly,



J. Emory Smith, Jr.  
Deputy Attorney General

JESjr:ppw  
Enclosure

REVIEWED AND APPROVED BY:



JAMES PATRICK HUDSON  
Chief Deputy Attorney General



ROBERT D. COOK  
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