

1982 WL 189379 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 23, 1982

*1 Honorable Richard W. Riley
Governor
State of South Carolina
Post Office Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

In response to your request for an opinion from this Office regarding whether or not a practicing psychologist would qualify as the 'lay member' of the State Board of Examiners in Psychology pursuant to [Section 40-55-20, CODE OF LAWS OF SOUTH CAROLINA](#), 1976 (Cum.Supp.), my opinion is that he would not so qualify. The intent of all of the amendments which add lay or public members to licensing boards is to insure that individuals who are not licensed professionals will be placed on those boards, presumably representing the public as opposed to the profession. See, e.g., The State of South Carolina General Assembly Legislative Audit Council Sunset Review of the State Board of Examiners in Psychology, et al., at 35; cf., 60 STAT. 1764, SECTION 2(5) at 1765 (1978). Moreover, my opinion is that an individual practicing a profession in a related area, such as a certified (but unlicensed) school psychologist or a family counselor, would likewise not qualify as the lay member. When the General Assembly intends licensed or certified professionals to be eligible as members of licensing boards in related areas, it has expressly so provided. See, e.g., § 40-15-20, CODE OF LAWS OF SOUTH CAROLINA, 1976 (Cum.Supp.) (placing one dental hygienist on the State Board of Dentistry); [§ 40-33-210, CODE OF LAWS OF SOUTH CAROLINA](#), 1976 (Cum.Supp.) (placing two licensed practical nurses on the State Board of Nursing); cf., § 40-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976 (Cum. Supp.). established rules of statutory construction, the General Assembly's failure to so provide with respect to the State Board of Examiners in Psychology must be regarded as an intentional omission. 2A SUTHERLAND STATUTORY CONSTRUCTION §§ 47.23 et seq. (4th ed. 1972).

With kind regards,

Karen LeCraft Henderson
Deputy Attorney General

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