

1980 WL 120968 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 14, 1980

*1 Edward L. Sessions, D.C.

Chairman

South Carolina Board of Chiropractic Examiners

1001 Assembly Street

Columbia, South Carolina 29201

Dear Dr. Sessions:

There has been a question raised as to whether a person is required to obtain a license from the South Carolina Board of Chiropractic Examiners once the Board offers an examination for licensure if that person was permitted to practice without a license according to [§ 40-9-40, Code of Laws of South Carolina](#), 1976 (as amended). That provision permits a person temporarily to practice without a license if the person graduated from a chiropractic college which had accredited or recognized candidate status with the Council of Chiropractic Education at the time of such graduation and if that person has been a legal resident of South Carolina from 1975 to 1978. It is the opinion of this Office that each such person temporarily practicing without a license must obtain a license from the Board once the Board offers an examination for licensure.

This temporary provision was an amendment to [§ 40-9-40, Id.](#), which specifies certain educational qualifications for applicants for licensure. This provision temporarily exempts certain people from the application of [§ 40-9-20, Id.](#), which provides, among other things, that '[n]o person shall practice chiropractic in this State without a license issued by the South Carolina Board of Chiropractic Examiners.' The temporary exemption ends, by its own terms on 'December 1, 1979, or [when] a board is constituted and offers an examination for licensure.' [§ 40-9-40, Id.](#) Since the December 1979 date has passed, and since the Board has now been constituted, the exemption will end for all persons on the date that the Board offers an examination for licensure.

If the General Assembly had intended that those persons falling within this exemption should be permitted from thereon to practice without a license, it would not have added the words 'until December 1, 1979, or until a board is constituted and offers an examination for licensure.' These words of limitation will clearly cause the temporary exemption to terminate for all persons on the date that this Board offers an examination for licensure. Any person practicing chiropractic after that date without a license will be violating the law of this State which provides that no person shall practice chiropractic in this State without a license.

Sincerely yours,

David C. Eckstrom

Assistant Attorney General

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