

1977 S.C. Op. Atty. Gen. 263 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-329, 1977 WL 24668

Office of the Attorney General

State of South Carolina

Opinion No. 77-329

October 21, 1977

\*1 TO: Dr. William A. Buck  
President  
South Carolina State Board of Dentistry

### QUESTION

Does the South Carolina Board of Dentistry presently have the authority to issue a license to an applicant, who is licensed in several states none of which have reciprocity with South Carolina, by 'credentials' without his having to take the South Carolina examination?

### AUTHORITIES

§ 40–15–10, *et seq.*, Code of Laws of South Carolina, 1976; S. C. Attorney General's Opinion, No. 2721, Aug. 20, 1969, p. 180, 1968–1969 Opinions of the Attorney General; § 39–1 *et seq.*, Rules and Regulations of the S. C. Board of Dentistry (filed Dec. 29, 1976); [State ex rel McLeod v. Holcomb](#), 245 S.C. 63, 138 S.E.2d 707 (1964).

### DISCUSSION

The South Carolina Board of Dentistry is given by statute the power of supervision over the practice of dentistry in South Carolina. The powers of the Board are delineated in Section 40–15–10 *et seq.* of the 1976 Code of Laws of South Carolina. Section 40–15–140 of the 1976 Code provides, in pertinent part, that:

It shall be the duty of the Board to examine all applicants for a license to practice dentistry . . . in this State.

In describing the examination requirement, § 40–15–140 further states that:

Each applicant must satisfactorily pass the examination prepared by the Board on subjects and operations pertaining to dentistry which are regularly taught in such accredited schools. The examination shall be given either orally or in writing or by required physical demonstration or by any combination of such methods as the Board in its discretion requires.

Section 40–15–270 provides that an individual may be licensed without examination where the individual meets the criteria for reciprocal licensure. Regulation No. 39–1 of the South Carolina Board of Dentistry states that South Carolina does not have reciprocal licensure with any state. The question posed here addresses itself only to someone who does not meet the criteria of this reciprocal licensure.

The Board questions whether they have the authority to license an individual solely on the basis of his credentials. The law clearly requires the Board to examine all applicants who are not reciprocally licensed. These requirements of licensure have been upheld by the courts. The Supreme Court of South Carolina has held that the state has power to regulate dentists because of the public policy reasons and its interest in protecting the health and physical being of the public. [State ex rel McLeod v.](#)

[Holcomb](#), 245 S.C. 63, 138 S.E.2d 707 (1964). Because of the public policy foundation of the licensure statute exceptions to the prescribed procedure should be strictly construed.

An opinion was sought previously from this office by Medical University of Charleston Dental School. They sought to have the Board grant licenses to the professors at the Medical University of South Carolina without the necessity of their taking the examination. In that opinion it was clearly stated that the Board of Dentistry has only the authority to examine applicants and pass upon their qualifications and does not have the power to give professors authority to practice. See 1968–1969 Opinions of the Attorney General, No. 2721, p. 180, August 20, 1969.

\*2 The question here presented is essentially the same. The Board does not have the authority to license individuals on the basis of the credentials regardless of whether they are professors at the Medical School or other individuals seeking licensure in this state.

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