

1974 WL 27825 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1974

**\*1 RE: South Carolina Speech Pathology and Audiology Law.**

Mr. John H. Young, Jr.  
P. O. Box 67  
Columbia, S. C. 29202

Dear Mr. Young:

Mr. McLeod had asked that I reply to your letter of May 31, 1974, which asks whether a hearing aid specialist who is properly licensed under Act No. 535, 1971 Acts and Joint Resolutions, may conduct hearing tests for medical doctors, whether a fee can be charged for such tests, and whether a hearing aid specialist can advertise the availability of hearing checks, all without being in violation of Act No. 439, 1973 Acts and Joint Resolutions, which governs the practice of speech pathology and audiology.

I advise that persons duly licensed by the South Carolina Board of Health and Environmental Control to sell and fit hearing aids are expressly exempted from the provisions of the recent speech pathology and audiology law, provided that such persons perform only those tests necessary for purposes of hearing aid fitting and counseling. See Act No. 439, Section 6(F), 1973 Acts and Joint Resolutions. I further advise that if the activities which you describe are directed toward assisting persons in determining if they have a need for a hearing aid, then in the opinion of this office these acts fall within the exemption and are entirely lawful. Statutes which operate to destroy a private right to do business are to be construed narrowly so as to give to the public the benefit of any doubt. See [Independence Ins. Co. v. Independent Life and Accident Ins. Co.](#), 218 S.C. 22, 61 S.E.2d 399 (1950).

Very truly yours,

John B. Grimball  
Assistant Attorney General

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