

1973 WL 26965 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 9, 1973

**\*1 re: Prerequisites for Board Membership.**

Dr. Foster Marshall  
Member  
State Board of Nursing for South Carolina  
4176 East Buchanan Drive  
Columbis, South Carolina

Dear Dr. Marshall:

You have requested an interpretation of Section 56-961, S. C. Code of Laws (1962) insofar as it requires that the Board's physician members 'must have had at least three years of practice in their profession immediately preceding their appointment.' Specifically, you inquire whether being in the status of a resident physician constitutes being in 'practice' for purposes of this requirement.

The 'practice' of medicine in South Carolina is defined by the Medical Practice Act in Section 56-1354, S. C. Code of Laws (1962), as follows:

Any person shall be regarded as practicing medicine . . . who (a) shall as a business treat, operate on or prescribe for any physical ailment of another, (b) shall engage in any branch or specialty of the healing art or (c) shall diagnose, cure, relieve in any degree or profess or attempt to diagnose, cure or relieve any human disease, ailment, defect, abnormality or complaint, whether or physical or mental origin, by attendance or advice, by prescribing, using or furnishing any drug, appliance, manipulation, adjustment or method or by any therapeutic agent whatsoever.

As you see, the definition of the practice of medicine in South Carolina is broad. If a physician was to perform any of the specified acts as a part of the assigned duties of a residency, that residency would constitute practicing medicine for purposes of being qualified to serve on the State Board of Nursing. If after considering the above definition you have questions as to your meeting the necessary requirements, please correspond.

With best wishes, I am

Very truly yours,

John B. Grimball  
Assistant Attorney General

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