

1976 S.C. Op. Atty. Gen. 327 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4466, 1976 WL 23083

Office of the Attorney General

State of South Carolina

Opinion No. 4466

September 24, 1976

*1 (1) By amending in toto § 56–354, the South Carolina Legislature effectively repealed the provision allowing the Board of Chiropractic Examiners to accredit chiropractic colleges. Applicants who are otherwise qualified must be allowed to take the examination.

(2) So long as an applicant of a chiropractic college not chartered by the State of South Carolina presents proof of two years of pre-professional college credits, and recognition that he is a graduate of a chiropractic college which is accredited by the Council of Chiropractic Education or its successors, the provisions of the licensing statute, § 56–354, will be met.

TO: Ray R. Kearns, D.C.

President

Board of Chiropractic Examiners

QUESTIONS PRESENTED

(1) Does the Board of Chiropractic Examiners have the power to accredit chiropractic colleges?

(2) Must all applicants for a chiropractic license in South Carolina be required to have two (2) years pre-professional college credits and graduate from a chiropractic college which is accredited by the Council of Chiropractic Education.

STATUTES, CASES, ETC., INVOLVED

Act #689 Acts and Joint Resolutions of South Carolina, 1976, at page 1858.

§ 56–354, Code of Laws of South Carolina, 1962, as amended.

[Bauer v. State](#), 267 S.C. 224, 227 S.E.2d 195.

[Independent Insurance Company v. Independent Life](#), 218 S.C. 22, 61 S.E.2d 399.

[Windham v. Pace](#), 192 S.C. 271, 6 S.E.2d 270.

[Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95.

82 C.J.S. Statutes § 384(b).

DISCUSSION OF ISSUES

I. Until 1976 § 56–354, Code of Laws of South Carolina, 1962, as amended, required that an applicant for a chiropractic license be a ‘graduate of a school of college of chiropractic accredited by the Board . . .’ However, Act No. 689, Acts and Joint Resolutions of South Carolina, 1976, at page 1858, completely re-wrote § 56–354 to read as follows in pertinent part:

Licensing requirements.—Section 56–354 of the 1962 Code is amended to read:

‘Section 56–354. No person shall be granted a license to engage in the practice of chiropractic unless he shall present proof that he has at least two years of preprofessional college credits from a college or university accredited by the Southern Association of College and Secondary Schools or an accrediting agency of equal status and recognition and that he is a graduate of a chiropractic college which is accredited by the Council of Chiropractic Education or its successors. Provided, however, that this section shall not apply to students enrolled prior to July 1, 1974 in a chiropractic college chartered by the State of South Carolina.’

...

Educational requirements.—All students of any chiropractic college chartered by the State shall have two years of preprofessional college credits from a college or university accredited by the Southern Association of Colleges and Secondary Schools or an accrediting agency of equal status and recognition prior to enrollment. Provided, that the educational qualifications required of students entering chiropractic colleges shall not apply to students enrolled prior to July 1, 1974.

*2 You will notice that this statute totally deletes any reference to accreditation by the Board, but provides for accreditation only by the Council of Chiropractic Education or its successors. More importantly, it provides that neither the accreditation section nor the educational requirement section shall apply to students of a chiropractic college chartered by the State of South Carolina who enrolled prior to July 1, 1974. The general rule is that an amended Act is to be construed as if the original Act had been repealed, and a new and independent Act in the amended form had been adopted in its stead. 82 C.J.S. Statute § 384(b). ‘The new statute is a substitute for the amended statute.’ 82 C.J.S. Statute § 384. This has long been the law in this State as stated in [Windham v. Pace](#), 192 S.C. 271, 6 S.E.2d 270, ‘an amended statute must be construed as if the original statute were repealed and a new and independent Act in amended form adopted, unless contrary intent is clearly indicated.’

The enactment of amendments which are designed to embrace the entire subject of the legislation operate of repeal the former Act Dealing with the same subject, ‘although there is no repealing clause to that effect.’ [Independent Insurance Company v. Independent Life](#), 218 S.E. 22, 61 S.E.2d 399.

The present proviso that ‘this section shall not apply to students enrolled prior to July 1, 1974, in a chiropractic college chartered by the State of South Carolina’ makes no mention of any intent to preserve the prior statute, but rather simply excepts the operation of the new § 56–354 from certain chiropractic students.

Had the Legislature intended to save the accrediting powers of the Board, it would have plainly so stated. But where the language of a statute is ‘plain and unambiguous and conveys clear and definite meaning, as here, there is no occasion for resorting to rules of statutory interpretation.’ [Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95 (1971). [Bauer v. State](#), 267 S.C. 224, 227 S.E.2d 195. The plain meaning of this statute is that the named applicants who meet all of the other qualifications for licensing should be allowed to take the examination for licensure if they were enrolled prior to July 1, 1974, in a chiropractic college chartered by the State of South Carolina.

II. This same reasoning would apply your second question. § 56–354 provides that an applicant must have ‘at least two years of pre-professional college credits . . . and that he is a graduate of a chiropractic college which is accredited by the Council on Chiropractic Education or its successors.’ The statute does not state whether the preprofessional college credits must be before or after the chiropractic education, but only that the applicant must present proof of such preprofessional credits and a chiropractic degree before a license shall be granted.

Again certain South Carolina students are excluded as follows:

Provided however that this section shall not apply to students enrolled prior or July 1, 1974, in a chiropractic college chartered by the State of South Carolina. (emphasis added).

*3 The statute is clear and unambiguous that the exception granted by the proviso is only for students of a South Carolina chiropractic college.

CONCLUSION

(1) By amending in toto § 56–354, the South Carolina Legislature effectively repealed the provision allowing the Board of Chiropractic Examiners to accredit chiropractic colleges. Applicants who are otherwise qualified must be allowed to take the examination.

(2) So long as an applicant of a chiropractic college not chartered by the State of South Carolina presents proof of two years of pre-professional college credits, and recognition that he is a graduate of a chiropractic college which is accredited by the Council of Chiropractic Education or its successors, the provisions of the licensing statute, § 56–354, will be met.

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Assistant Attorney General

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