

1976 WL 30536 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 3, 1976

*1 Dr. William Rothstein
Chairman
Board of Examiners in Psychology
Social Problems Research Institute
University of South Carolina
Columbia, South Carolina 29208

Dear Dr. Rothstein:

You have requested an opinion from this Office as to whether or not a psychologist employed by the State Department of Education (Department) is subject to Sections 56-1543.101 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.). In my opinion, he is not if he is certified by the Department and if his functioning as a psychologist is in accordance therewith.

Section 56-1543.109 of the Code provides in part:

Nothing in this chapter shall be construed: . . . (c) to exclude or prevent psychologists certified by the South Carolina Department of Education from performing services in connection with schools as authorized by such certification, . . .

This language precludes the application of the provisions of Chapter 27.1 of Title 56 to those psychologists who are certified by the Department to provide school psychological services; it does not expressly limit such an excepted psychologist to one who is employed by the Department. That is, if a psychologist is certified by that Department to provide school psychological services and if his performance as a school psychologist conforms with his certification, then the fact that he is not employed by that Department does not, in my opinion, disqualify him from exemption from the other requirements of Chapter 27.1 of Title 56.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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