

1975 WL 29823 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1975

***1 Re: Dental Colleges.**

Dr. H. W. Higgins
383 Pine Street
Spartanburg, SC

Dear Dr. Higgins:

You inquired whether dentists licensed in other states but not licensed in South Carolina may administer and teach in programs of dental assisting, dental technology and dental hygiene, at regional Technical Education Centers, when these programs have been accredited by the Commission on Accreditation of the American Dental Association and so long as these dentists do not engage in the private or intramural practice of dentistry.

Section 56-636.11, S. C. Code of Laws, as amended, provides:

A dentist licensed in another state teaching in a dental college in South Carolina accredited by the Council on Dental Education of the American Dental Association shall be exempt from licensure requirement unless he engages in the intramural or private practice of dentistry.

The fact that the accrediting arm of the American Dental Association is no longer the Council on Dental Education, but is now called the Commission on Accreditation, is inconsequential insofar as the applicability of Section 56-636.11 is concerned. See Ltr. dated August 22, 1974, from John B. Grimball, Assistant Attorney General, to Dr. Joseph R. Beard. The question of import is whether the phrase 'in a dental college in South Carolina' includes those schools such as technical education centers which teach courses on dentistry related practices and procedures, in addition to the School of Dentistry of the Medical University which is undoubtedly a dental college.

The answer to this question depends on the intent of the Legislature. It is considered significant that the Legislature has not specified 'in the dental college in South Carolina'. Apparently the Legislature intended that dentists licensed in other states but unlicensed in South Carolina should be able to teach in any dental college in South Carolina accredited by the American Dental Association. The more narrow question to be answered, therefore, is what is intended by the term 'dental college'.

The word 'college' has been defined in 15 Am. Jur.2d. Colleges and Universities, § 1 (1964), to signify:

In a broad sense, the terms 'college' and 'university' convey the same idea, differing only in grade, with each indicating an institution of learning consisting of trustees, teachers and scholars as making up its membership and representing its active work, or an institution engaged in imparting knowledge to resident students and possessing the right to confer degrees. (emphasis added).

Although this issue is not free from doubt, it would appear that a technical education center may be embraced within the word 'college'. See [Birmingham Business College, Inc. v. Whetstone](#), 82 So.2d. 539 (Ala. 1955), and 95 A.L.R. 62 (1935). A technical education center certainly imparts knowledge to resident students and confers degrees upon such students.

Whether any school is a 'dental college' or not, depends upon the facts of the particular case. In the opinion of this Office, the term 'dental college' can reasonably be extended to institutions which teach an overall higher level curricula than that found in high schools and who have dentistry related programs, approved by the American Dental Association, leading to the award of a formal degree or certificate of course completion. Such institutions are dental colleges insofar as they teach dental skills and procedures and hence dentists unlicensed in this State may teach in their dental programs.

Very truly yours,

*2 John L. Choate
Assistant Attorney General

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