

1974 WL 28088 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 16, 1974

***1 RE: Dental Colleges**

Dr. Joseph R. Beard
South Carolina State Board of Dentistry
1315 Blanding Street
Columbia, S.C. 29201

Dear Dr. Beard:

You inquire 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 facilities other than the School of Dentistry of the Medical University of South Carolina, 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.

As noted in a recent opinion of this office, 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 in so far as the applicability of Section 56-636.11 is concerned. See Ltr. dated August 22, 1974, from this writer to Joseph R. Beard. The question of import is whether the phrase “in a dental college in South Carolina” includes those schools such as vocational high schools and technical centers which teach courses on dentistry related practices and procedures, in addition to the School of Dentistry of the Medical University which is concededly 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” as generally used in the United States imports primarily an institution of higher learning, usually incorporated, receiving graduates of approved high schools and preparatory schools, and offering them instruction in arts, letters, and sciences leading to a formal degree. 55 Am Jur, Universities and Colleges § 2 (1946) “College” includes both the undergraduate and the graduate and professional departments of a college or university, and applies as well to medical and dental colleges. See [Epstein v. Kuvin](#), 19 N.J.Super. 372, 88 A.2d 531 (1952). However, the word “college” does not embrace a high school, vocational or otherwise. See 7A Words and Phrases, College at 256 (1952).

Whether any particular 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.

*2 The remaining question is whether or not such unlicensed dentists may also teach in vocational high schools. Under the interpretation of the term “dental college” heretofore given, it would seem that the exception to licensure granted by Section 56-636.11 would not apply. However, the fact of the matter is that when the Dental Practice Act was passed in 1969, the Legislature never considered the possibility that vocational high schools might in the future offer dentistry related programs. It is a fundamental rule in the construction of statutes that where the ordinary meanings of words used in a statute will lead to an absurd result, that absurd result shall not be deemed by the courts to be intended the Legislature. *Stephens v. Hendricks*, 226 S.C. 79, 83 S.E.2d 634 (1954). In this case it appears absurd to allow dentists unlicensed in this State to teach in accredited programs in dental colleges but not in high schools. Under normal academic policy, the higher the level of the educational institution, the more the credentials which are required of teachers, and vice versa. There being no apparent reason for this normal policy not to apply, in the opinion of this office it is also the intent of the Legislature that dentists unlicensed in this State may lawfully administer and teach accredited dentistry related courses and programs both in “dental colleges” and in high schools, so long as such dentists do not engage in the intramural or private practice of dentistry.

Very truly yours,

John B. Grimball
Assistant Attorney General

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