



**TELECONFERENCE MEETING OF
THE ELECTIVE FACIAL COSMETIC SURGERY PERMIT
CREDENTIALING COMMITTEE
MEETING MINUTES**

Wednesday, October 14, 2015

For more information, please contact the Board (916) 263-2300

Members Present:

Robert Gramins, DDS – Chair
Louis Gallia, DMD, MD
Anil Punjabi, MD, DDS
Peter Scheer, DDS

Members Absent:

Dr. Brian Wong, MD

Also Present:

Nellie Forçét, Program Coordinator
Sarah Wallace, Assistant Executive Officer
Spencer Walker, DCA Legal Counsel
Bruce Whitchee, DDS, Board Liaison to Committee

Teleconference Locations with Public Access:

Dental Board of California Office and Teleconference Location:

Dental Board Conference Room
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
(916) 263-2300

Other Teleconference Locations:

12630 Monte Vista Road, Ste. 205, Poway, CA 92064, (858) 485-1290
39935 Vista Del Sol, Ste. 100, Rancho Mirage, CA 92270, (760) 837-1515
295 Terracina Blvd, Redlands, CA 92373, (909) 798-9950

Dr. Robert Gramins called the roll by teleconference and established a quorum at 3:05 p.m.

Agenda Item 2 : Approval of July 8, 2015 Meeting Minutes

M/S (Gallia/Gramins) to accept the minutes of the July 8, 2015.

Approve: Gramins, Punjabi, Gallia, Scheer **Oppose:** none **Abstain:** none
Approve: 4 **Oppose:** 0 **Abstain:** 0 The motion passed.

Agenda Item 3 – Staff Report

Mrs. Nellie Forgét informed the Committee that staff drafted proposed regulatory language and a revised permit application for the Elective Facial Cosmetic Surgery (EFCS) Permit program to reflect the changes discussed at the last EFCS meeting.

Mrs. Forgét also informed the Committee that they will be discussing the potential fee increases.

Mrs. Forgét reported that there is one (1) application to review and that there were currently 28 EFCS permit holders.

Agenda Item 4: Future Meeting Dates

Mrs. Forgét went over the proposed future meeting dates with the Committee. The future meeting dates that were chosen are the following: January 20, 2016, April 20, 2016, July 13, 2016, and October 19, 2016.

Agenda Item 5: Discussion and Possible Action Concerning Regulatory Language for Elective Facial Cosmetic Surgery Permit Application and Renewal Process

Mrs. Forgét presented the newly drafted language which reflected the Committee's recommendations from the last meeting; every six years upon renewal 24 hours of continuing education from a provider approved by the American Dental Association's Continuing Education Recognition Program (CERP) or the Academy of General Dentistry's Program Approval for Continuing Education (PACE) specific to the procedures the licensee is permitted to perform.

The Committee discussed different means of obtaining this continuing education. Dr. Louis Gallia questioned whether oral surgeons can get continuing medical education (CME). Dr. Gramins explained that if you do not have a MD you cannot get CME. Dr. Peter Scheer suggested that CME that is facial cosmetic surgery is acknowledged as CE for the six year requirement as well. Dr. Gramins agreed that it is difficult to get continuing dental education (CDE) in facial cosmetic surgery, so the only way to obtain it is through CME. Therefore, CME specific to facial cosmetics should be added to the language. Mrs. Sarah Wallace confirmed with Spencer Walker, legal counsel, that because these CME providers are not approved providers, we can accept approved provider by the Medical Board. Mr. Walker confirmed this was acceptable.

Dr. Gramins directed a question to legal counsel and staff about hospital privileges, relevant to pathway A, not specifically state that hospital privileges must include cosmetic surgery privileges. Mrs. Forgét clarified that statute separates the hospital privilege requirement for pathway A and B. For pathway B, statute refers to paragraph A which indicates the specific procedures the licensee intends to perform, therefore pathway B privileges must be specific to the surgical cosmetic procedures. However, Pathway A does not require that the applicant show specific cosmetic surgical privileges because the requirement of the letter from the program director confirms the competency, training, and education in the cosmetic surgical areas the applicant is intending to perform.

Dr. Gramins reiterated from past discussion that via pathway B applicants cannot get privileges without the permit, but they cannot get the permit without the privileges. Dr. Gramins and Dr. Gallia suggested telling applicants who encounter the problem of obtaining privileges to consider presenting the paradox to the credentialing committee at hospitals and asked for conditional privileges. Dr. Gramins asked if there is any way to bring this up at a Board meeting and Dr. Bruce Witcher agreed that he could discuss this at a Board meeting. Dr. Witcher also suggested that an applicant's hospital staff could contact a committee or Board for an explanation of the permit and the applicant's situation. Dr. Witcher suggested a subcommittee be formed to work out the language with staff. Mrs. Sarah Wallace explained that the Committee could work on it further or if they feel comfortable they can recommend moving the proposal to the Board and the Board can form a subcommittee to further define those provisions. Mrs. Wallace queried legal counsel if there needed to be a motion and Mr. Walker clarified that Dr. Witcher can just take this topic back to the Board for initiating and rulemaking.

Dr. Gramins mentioned that the hospital privileges requirement on the application for pathway A & B read the same and need to be corrected to reflect the language in statute. Dr. Witcher also brought up a few application revision suggestions within the application instructions. Staff agreed to make these changes and bring the revised application to the next meeting for review and possible approval to forward to the Board to initiate the rule making process.

Dr. Gramins suggested that staff email the revised application prior to the next meeting for the Committee to review. Mr. Walker reminded the Committee to reply individually to a group email so as not to violate the Bagley-Keene Act.

Agenda Item : Future Fee Increase Discussion

Mrs. Wallace explained that the Board went through Sunset Review and the Board had the assembly bill 179 which included increases to the statutory fee maximums that the Board is able to assess for licensing and permits. The fee caps were increased based on the findings of a fee audit that the Board had a contractor conduct last year. The Board had appointed a subcommittee to work with staff to determine where fee increases will be made. The Board is facing fiscal insolvency in the next couple of fiscal years due to the fact that there has not been fee increases in the last sixteen years. Part of the fee audit was the contractor came in and audited the fees that the Board is assessing and provided recommendations on what fee amounts should be in order to cover the cost of doing business.

Mrs. Wallace explained that, specific to the EFCS permit, the recommendation from the contractor was \$3600 for the initial application fee and \$800 for the renewal fee. In statute the initial application fee is \$500 and the renewal fee is \$200 which is a significant fee increase. One thought from the subcommittee is to increase fees in other categories to lower fees that seemed extremely high. The subcommittee proposed that the application fee be about \$1500 and the renewal should be \$500. Mrs. Wallace asked the Committee their thoughts on the application and renewal fees.

Dr. Witcher added that there were a couple different recommendations; one was to take the application fee to \$1500 the other was to take it to \$850. He expressed that new graduates coming out of programs are reluctant to pay a tremendous fee because they

have a lot of debt and a lot of expenses trying to get set up in practice. Dr. Gramins agreed that a four digit number would scare away new graduates. Licenses who are in practice who are recertifying after six years in practice can afford it a little more. Dr. Whitcher suggested that maybe increase the application fee so if licensees are not using the permit they will let it go. Dr. Gramins suggested making both initial and renewal fee \$850;

the Committee agreed to have Dr. Whitcher carry this recommendation to the Board.

CLOSED SESSION – Consideration of Elective Facial Cosmetic Surgery Permit Applications

RETURN TO OPEN SESSION - Recommendations to the Dental Board of California Regarding Elective Facial Cosmetic Surgery Permit Applications

Dr. Gramins reported that the Credentialing Committee reviewed one (1) application.

Applicant Dr. M.M.: Dr M.M. applied for an unlimited category I & II permit. The Committee determined to recommend to the Board to issue the applicant an unlimited EFCS permit for Categories I and II. The applicant currently holds a permit for Category I limited to facial implants and Category II limited to submental liposuction, Botox and fillers, chemical peels, and upper and lower blephroplasties.

M/S (Gramins/Scheer) to grant Dr. M.M. an unlimited category I & II permit.

Approve: Gramins, Punjabi, Gallia, Scheer **Oppose:** none **Abstain:** none

Approve: 4 **Oppose:** 0 **Abstain:** 0 The motion passed.

Open Session adjourned at 3:50 p.m.

MINUTE BOOK FOR THIS ITEM IS PREPARED BY NELLIE FORGÉT, EFCS PERMIT PROGRAM COORDINATOR.
