

BOARD OF CALIFORNIA

**REPORT ON THE ELECTIVE FACIAL COSMETIC
SURGERY PERMIT PROGRAM AS PROVIDED BY
BUSINESS AND PROFESSIONS CODE SECTION 1638.1**

SUBMITTED TO:

**THE SENATE BUSINESS, PROFESSIONS AND
ECONOMIC DEVELOPMENT COMMITTEE**

JANUARY 1, 2017

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Introduction

The Dental Board of California (Board) is submitting this report on the Elective Facial Cosmetic Surgery (EFCS) Permit Program pursuant to Business and Professions Code (Code) Section 1638.1 (Senate Bill 438, Chapter 909, Statutes of 2006). The last report was submitted in January 2013, and statute requires additional reports to be submitted every four years thereafter.

On September 30, 2006, Governor Arnold Schwarzenegger signed Senate Bill 438, enacting Code Section 1638.1, which took effect on January 1, 2007. This statute authorizes Oral and Maxillofacial Surgeons licensed by the Board, who are not also licensed as physicians and surgeons by the Medical Board of California, to perform elective facial cosmetic surgery. Additionally, this statute specifies the application requirements for an EFCS permit and establishes a Credentialing Committee (Committee) to review the qualifications of each applicant for a permit.

Code Section 1638.1(e) provides for the establishment of a Committee to be appointed by the Board and specifies that the Committee be comprised of five members consisting of one (1) physician and surgeon with a specialty in plastic and reconstructive surgery, one (1) physician and surgeon with a specialty in otolaryngology, and three (3) oral and maxillofacial surgeons licensed by the Board who are board certified by the American Board of Oral and Maxillofacial Surgeon, all of whom must maintain active status on the staff of a licensed general acute care hospital in California. At its February 9, 2007 meeting, the Board appointed five members to the Committee. The Committee is responsible for reviewing applications for EFCS permits in closed session during Committee meetings and providing recommendations to the Board as to whether an applicant is qualified to be issued a permit.

Code Section 1638.1 specifies the application requirements to obtain an EFCS permit from the Board to perform procedures from the following categories:

- Category I: Cosmetic contouring of the osteocartilaginous facial structure which may include, but is not limited to, rhinoplasty and otoplasty.
- Category II: Cosmetic soft tissue contouring or rejuvenation, which may include, but is not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation.

The Board may grant unlimited or limited permits upon recommendation of the Committee. An unlimited permit allows the licensee to perform Category I and Category II procedures as defined in B&P code section 1638.1(c)(2)(A)(iii)(I) and (II). A limited permit would limit the procedures that may be performed by the permit holder.

The Committee may recommend permit limitations if it is not satisfied that the applicant has the training or competence necessary to perform certain procedures, or if the applicant has not requested to be permitted for all procedures authorized in the statute. Permits may also be issued for Category I only, unlimited or limited; Category II only, unlimited or limited; or a combination of any of the above.

Report

Code Section 1638.1(k) requires the Board to provide a report to the Joint Committee on Boards, Commissions, and Consumer Protection on January 1, 2009 and every four years thereafter. The report is required to contain information on all of the following:

1. The number of persons licensed pursuant to Section 1634 who apply to receive a permit to perform elective facial cosmetic surgery from the board pursuant to subdivision (a).
2. The recommendations of the credentialing committee to the board.
3. The board's action on recommendations received by the credentialing committee.
4. The number of persons receiving a permit from the board to perform elective facial cosmetic surgery.
5. The number of complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.
6. Action taken by the board resulting from complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery.

The Board respectfully submits the following information as required by Code Section 1638.1(k):

1. The number of persons licensed pursuant to Section 1634 who apply to receive a permit to perform elective facial cosmetic surgery from the Board pursuant to subdivision (a).

The following table describes the status of applications submitted to the Board from 2013-2017. The applications that are carried over from previous years are most commonly due to application deficiencies.

In 2013 there were five (5) new applications received; four (4) were referred to the Committee for evaluation and four (4) were granted permits. One (1) has not gone before the Committee for review due to deficiencies.

In 2014 there were three (3) new applications received. Two (2) were referred to the Committee for evaluation; one (1) was granted a permit and one (1) was deemed deficient by the committee. One (1) did not go before the Committee for review due to deficiencies.

In 2015 there were three (3) new applications received. One (1) was referred to the Committee for evaluation and was granted a permit. Two (2) did not go before the Committee for review due to deficiencies.

In 2016 there were three (3) new applications received. Two (2) were referred to the Committee for evaluation; two (2) were granted permits and one (1) application was denied due to insufficient hospital privileges, insufficient operative reports, and an unclear letter from the program director specifying the procedures the applicant intended to perform with this permit.

Table 1: Persons Applying for an EFCS Permit

Application Status	2013	2014	2015	2016
New applications received	5	3	3	3
Referred to Committee for Evaluation	4	2	1	2
Permits Granted	4	1	1	2
Have not gone before the Committee for Review	1	1	2	2
Found Ineligible	0	0	0	0
Denied	0	0	0	1
Committee Rejected application	0	0	0	0

2. The recommendations of the Committee to the Board.

In 2013 five (5) applicants applied for permits. Three (3) applicants applied for Category I and II, unlimited permits and two (2) were recommended by the Committee for approval. One (1) application was recommended for approval of a Category I, limited permit and one (1) application was recommended for approval of a Category II, limited permit. One (1) application did not go before the Committee for review due to deficiencies.

In 2014 three (3) applicants applied for permits. Two (2) applicants applied for a Category I and II, unlimited permit. One (1) was recommended to the Board for approval and one (1) was found deficient. One (1) applicant applied for Category I, unlimited and was recommended to the Board for Category I, limited. One (1) applicant applied for Category II, unlimited and was recommended to the Board for Category II, limited. One (1) application did not go before the Committee for review due to deficiencies.

In 2015 three (3) applicants applied for permits. One (1) applicant applied for a Category I and II, unlimited permit and was recommended to the Board for approval. One (1) applicant applied for a Category II, limited permit and was found deficient. One (1) application did not go before the Committee for review due to deficiencies.

In 2016 three (3) applicants applied for permits. Three (3) applicants applied for a Category I and II, unlimited permit and two (2) were recommended to the Board for approval and one (1) applicant was found deficient.

Table 2: Committee Recommendations to the Board

Permit Type	2013	2014	2015	2016
Applied for Category I and Category II, Unlimited	2	1	1	2
Recommended Approval for Category I and Category II, Unlimited	2	1	1	2
Category 1, Unlimited and Category 2, limited	0	0	0	0
Category I, Unlimited	0	0	0	0
Category 1, Limited and Category 2, Unlimited	0	0	0	0
Category II, Unlimited	0	0	0	0
Category I, Limited	1	0	0	1
Category II, Limited	1	0	0	0
Denied	0	0	0	1
Rejected	0	0	0	0
Not yet reviewed	1	1	2	2

3. The Board's actions on recommendations received by the Credentialing Committee.

In 2013 the Board approved four (4) applications; two (2) for Category I and Category II, unlimited permits, one (1) for Category I, limited permit one (1) for Category II, limited permit. In 2014 the Board approved one (1) application for a Category I and Category II, unlimited permit. In 2015 the Board approved one (1) application for a Category I and Category II, unlimited permit. In 2016 the Board approved two (2) applications for Category I and Category II, unlimited permits. The Board denied one (1) application, due to insufficient hospital privileges, insufficient operative reports, and an unclear letter from the program director specifying the procedures the applicant intended to perform with this permit.

Table 3: The Boards Actions

Permit Type	2013	2014	2015	2016
Approved for Category I and Category II, Unlimited	2	1	1	2
Category 1, Unlimited and Category 2, limited	0	0	0	0
Category I, Unlimited	0	0	0	0
Category 1, Limited and Category 2, Unlimited	0	0	0	0
Category II, Unlimited	0	0	0	0
Category I, Limited	1	0	0	1
Category II, Limited	1	0	0	0
Denied	0	0	0	1
Rejected	0	0	0	0

4. The number of persons receiving a permit from the Board to perform elective facial cosmetic surgery.

In 2013 a total of four (4) permits were issued; two (2) for Category I and Category II, unlimited, one (1) for Category I, limited and one (1) for Category II, limited. In 2014 a total of one (1) permit was issued for Category I and Category II, unlimited. In 2015 a total of one (1) permit was issued for Category I and Category II, unlimited. In 2016 a total of two (2) permits were issued for Category I and Category II, unlimited. In total there were eight (8) permits issued; six (6) for Category I and Category II, unlimited, one (1) for Category I, limited, and one (1) for Category II, limited.

Table 4: Permits Issues by the Board

Permit Type	2013	2014	2015	2016	Total
Category I and Category II, Unlimited	2	1	1	2	6
Category 1, Unlimited and Category 2, limited	0	0	0	0	0
Category I, Unlimited	0	0	0	0	0
Category 1, Limited and Category 2, Unlimited	0	0	0	0	0
Category II, Unlimited	0	0	0	0	0
Category I, Limited	1	0	0	1	1
Category II, Limited	1	0	0	0	1
Total Permits Issued	4	1	1	2	8

5. The number of complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the Board to perform elective facial cosmetic surgery.

There have been no complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery as there have been no complaints filed to date.

6. Action taken by the board resulting from complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the Board to perform elective facial cosmetic surgery.

No action has been taken by the Board resulting from complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by persons who have received a permit from the board to perform elective facial cosmetic surgery as there have been no complaints filed to date.

Conclusion

The Committee recently approved regulatory language and the EFCS Permit application at its October 19, 2016 EFCS Permit Credentialing Committee meeting and recommended the Board initiate the rulemaking process at a future meeting. The hope is that these changes will make the application process clearer for applicants therefore making the review process easier for the Committee.

The next EFCS Permit Credentialing Committee meeting is scheduled for January 25, 2017. Applications are being received, reviewed and acted upon in a timely fashion. The Credentialing Committee is reviewing the applications with a discerning eye for not all applicants are granted all of the procedures/categories requested.