

DENTAL BOARD OF CALIFORNIA

The Dental Board of California's mission is to protect and promote the health and safety of consumers by licensing those dental health care professionals who demonstrate competency, taking action to enforce compliance with the Dental Practice Act and the laws of the State of California, and enhancing the education of licentiates and consumers.

Elective Facial Cosmetic Surgery Permit Program

SB 438

Presented to the Joint Committee on Boards, Commissions, and Consumer Protection

January 30, 2009

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Introduction

SB 438 (Chapter 909) was passed and signed into law September 30, 2006. The bill, authored by Senator Midgen and sponsored by the California Dental Association (CDA), allows specifically qualified oral and maxillofacial surgeons who obtain a permit from the Dental Board to perform specified elective cosmetic surgical procedures.

The bill requires that the board appoint a credentialing committee consisting of three (3) oral and maxillofacial surgeons, one (1) physician and surgeon with a specialty in plastic and reconstructive surgery, and one (1) physician and surgeon with a specialty in otolaryngology, all of whom must maintain an active status on the staff of a licensed general acute care hospital in California.

Letters were sent to the Medical Board, the California Dental Association, the California Association of Oral and Maxillofacial Surgeons, the California Medical Association and the California Society of Plastic Surgeons as directed by the bill, asking for their input and recommendations regarding the members to be appointed to the credentialing committee.

At the February 9, 2007 meeting of the Board, five members were appointed to the Facial Cosmetic Surgery Credentialing Committee. Recently one member resigned, therefore, currently there is one vacant position on the Credentialing Committee. Committee members evaluate applications for FCS permits and make recommendations to the Dental Board.

This report is being submitted by the Dental Board to the Joint Committee on Boards, Commissions and Consumer Protection pursuant to Business and Professions code section 1638.1(k). The report will address the following questions:

- (1)The number of persons licensed pursuant to Section 1634 who applied 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.

Permits Granted

The board issues an FCS permit with either no limitations or with restrictions. The combinations may vary. Not all applicants ask for all portions of the permit. Conversely, not all those applicants who ask for full permits are granted the full permits.

A permit with no limitations 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).

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.

Permits may also be issued for Category I only, unrestricted or restricted; Category II only, unrestricted or restricted; or a combination of any of the above i.e. unrestricted Category I and partial Category II.

Response to Questions Outlined in Business and Professions Code, Section 1628.1(k).

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

The Dental Board and staff have received twenty (20) applications. Seventeen (17) were referred to the Committee for evaluation. Two (2) of these applications were recently approved (January 6, 2009) and will advance to the Dental Board for review. Three (3) applicants have not yet gone before the Credentialing Committee due to incomplete applications – further documentation is required before these applications can be advanced.

2. *The recommendations of the credentialing committee to the board.*

Fifteen (15) applicants applied for unlimited permits (Categories I and II with no restrictions). The committee approved seven (7) of these applications for permits with no limitations; approved one (1) application with no restrictions pending a legal opinion; approved two (2) applications for category I and limited category II; approved one (1) application for category I and tabled the category II request until additional documentation is submitted; disapproved two (2) applications due to enforcement or ineligibility issues; The committee has not yet reviewed two (2) applications due to incomplete documentation.

One (1) applicant applied for a category II permit and received approval by the committee. One (1) applicant applied for a category I permit and a category II restricted permit. The committee tabled this application until additional documentation is received. One (1) applicant applied for a category I permit and received approval by the committee. One (1) applicant applied for a limited permit and received approval by the committee. One (1) applicant applied for a category I and limited category II permit. This application has not yet been reviewed by the committee due to incomplete documentation.

3. *The board's action on recommendations received by the credentialing committee.*

Six (6) applications were approved by the Board and permits were issued with no limitations. Additionally, two (2) applications were approved for unrestricted Category I; one (1) application was approved for unrestricted Category II; one (1) application was approved for restricted category II; and one (1) application was approved for unrestricted Category I and partial Category II. Three (3) applications were denied by the Board.

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

Eleven (11) permits have been issued. Six (6) permits were issued with no limitations. Two (2) permits were issued for unrestricted Category I. One (1) permit was issued for unrestricted Category II. One (1) permit was issued for restricted category II. One (1) permit was issued for unrestricted Category I and partial Category II.

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.

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 Board feels that the process is working. 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. There have been several cases, where the application appeared to be lacking in documentary evidence to warrant granting of full/unrestricted permit status. In these cases, limited permits were granted for those categories for which the applicant did provide documentary evidence. The applicant is then advised, should they choose, to resubmit their application with further documentary evidence for reconsideration by the Credentialing Committee and the Dental Board. Conversely an applicant may ask for only limited permit status, thus self-restricting the scope of the permit. The Board feels that the public is being protected by this process as there have been no complaints filed or actionable events that have occurred since the inception of this Permit.