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DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
Dental Board of California
2005 Evergreen Street, Suite 1550, Sacramento, California 95815
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Notice of Public Meeting of the Credentialing Committee

Elective Facial Cosmetic Surgery (EFCS) Permits (SB 438)

Wednesday, January 19, 2011

2005 Evergreen Street, Lake Tahoe Room
Sacramento, CA 95815
(916) 263-2300

2:00 PM	Open Session-Roll Call to Establish Quorum
AGENDA ITEM 1	Election of Committee Chair
AGENDA ITEM 2	Approval of November 3, 2009 Meeting Minutes
AGENDA ITEM 3	Report of Board Activities and Priorities for 2011 – Information Only
AGENDA ITEM 4	Review the Elective Facial Cosmetic Surgery Permit Application Process and Discuss Possible Recommendations for Changes
AGENDA ITEM 5	Future Meeting Dates

***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

PUBLIC COMMENT

ADJOURNMENT

**The Committee will meet in closed session as authorized by Government Code Section 11126(c)(2) to deliberate on permit applications.*

*Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. Time limitations for discussion and comment will be determined by the Committee Chair. For verification of the meeting, call (916) 263-2300 or access the Board's Web Site at **www.dbc.ca.gov**. This Committee meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Karen Fischer, Program Coordinator at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815, or by phone at (916) 263-2300. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.*

BUSINESS AND PROFESSIONS CODE SECTION 1638-1638.7

1638. (a) For purposes of this article, "oral and maxillofacial surgery" means the diagnosis and surgical and adjunctive treatment of diseases, injuries, and defects which involve both functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(b) Any person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)) as a physician and surgeon who possesses, or possessed, a license to practice dentistry in another state, but is not licensed to practice dentistry under this chapter may apply to the board on a form prescribed by the board for an oral and maxillofacial surgery permit.

(c) The board may issue an oral and maxillofacial surgery permit to an applicant who has furnished evidence satisfactory to the board that he or she is currently certified or eligible for certification in oral and maxillofacial surgery by a specialty board recognized by the Commission on Accreditation of the American Dental Association and holds a current license in good standing to practice medicine in the state.

(d) An application shall be accompanied by an application fee of one hundred fifty dollars ($150) and two classifiable sets of fingerprints on forms provided by the board.

1638.1. (a) (1) A person licensed pursuant to Section 1634 who wishes to perform elective facial cosmetic surgery shall first apply for and receive a permit to perform elective facial cosmetic surgery from the board.

(2) A permit issued pursuant to this section shall be valid for a period of two years and must be renewed by the permitholder at the time his or her license is renewed. Every six years, prior to renewal of the permitholder's license and permit, the permitholder shall submit evidence acceptable to the credentialing committee that he or she has maintained continued competence to perform the procedures authorized by the permit. The credentialing committee may limit a permit consistent with paragraph (1) of subdivision (e) if it is not satisfied that the permitholder has established continued competence.

(b) The board may adopt regulations for the issuance of the permit that it deems necessary to protect the health, safety, and welfare of the public.

(c) A licensee may obtain a permit to perform elective facial cosmetic surgery by furnishing all of the following information on an application form approved by the board:

(1) Proof of successful completion of an oral and maxillofacial surgery residency program accredited by the Commission on Dental Accreditation of the American Dental Association.

(2) Proof that the applicant has satisfied the criteria specified in either subparagraph (A) or (B):

(A) (i) Is certified, or is a candidate for certification, by the American Board of Oral and Maxillofacial Surgery.

(ii) Submits to the board a letter from the program director of the accredited residency program, or from the director of a postresidency fellowship program accredited by the Commission on Dental Accreditation of the American Dental Association, stating that

the licensee has the education, training, and competence necessary to perform the surgical procedures that the licensee has notified the board he or she intends to perform.

(iii) Submits documentation to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform from both of the following categories:

(I) Cosmetic contouring of the osteocartilaginous facial structure, which may include, but is not limited to, rhinoplasty and otoplasty.

(II) Cosmetic soft tissue contouring or rejuvenation, which may include, but is not limited to, facelift, blepharoplasty, facial skin resurfacing, or lip augmentation.

(iv) Submits documentation to the board showing the surgical privileges the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.

(B) (i) Has been granted privileges by the medical staff at a licensed general acute care hospital to perform the surgical procedures set forth in paragraph (A) at that hospital.

(ii) Submits to the board the documentation described in clause (iii) of subparagraph (A).

(3) Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.

(d) The application shall be accompanied by an application fee of five hundred dollars ($500) for an initial permit. The fee to renew a permit shall be two hundred dollars ($200).

(e) (1) The board shall appoint a credentialing committee to review the qualifications of each applicant for a permit. Upon completion of the review of an applicant, the committee shall make a recommendation to the board on whether to issue or not issue a permit to the applicant. The permit may be unqualified, entitling the permitholder to perform any facial cosmetic surgical procedure authorized by this section, or it may contain limitations if the credentialing committee is not satisfied that the applicant has the training or competence to perform certain classes of procedures, or if the applicant has not requested to be permitted for all procedures authorized by this section.

(2) The credentialing committee shall be comprised of five members, as follows:

(A) A physician and surgeon with a specialty in plastic and reconstructive surgery who maintains active status on the staff of a licensed general acute care hospital in this state.

(B) A physician and surgeon with a specialty in otolaryngology who maintains active status on the staff of a licensed general acute care hospital in this state.

(C) Three oral and maxillofacial surgeons licensed by the board who are board certified by the American Board of Oral and Maxillofacial Surgeons, and who maintain active status on the staff of a licensed general acute care hospital in this state, at least one of whom shall be licensed as a physician and surgeon in this state. Two years after the effective date of this section, any oral and maxillofacial surgeon appointed to the committee who is not licensed as a physician and surgeon shall hold a permit pursuant to this section.

(3) The board shall solicit from the following organizations input

and recommendations regarding members to be appointed to the credentialing committee:

(A) The Medical Board of California.

(B) The California Dental Association.

(C) The California Association of Oral and Maxillofacial Surgeons.

(D) The California Medical Association.

(E) The California Society of Plastic Surgeons.

(F) Any other source that the board deems appropriate.

(4) The credentialing committee shall meet at a time and place directed by the board to evaluate applicants for permits. A quorum of three members shall be required for the committee to consider applicants and make recommendations to the board.

(f) A licensee may not perform any elective, facial cosmetic surgical procedure except at a general acute care hospital, a licensed outpatient surgical facility, or an outpatient surgical facility accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the American Association for Ambulatory Health Care (AAAHC), the Medicare program, or an accreditation agency approved by the Medical Board of California pursuant to subdivision (g) of Section 1248.1 of the Health and Safety Code.

(g) For purposes of this section, the following terms shall have the following meanings:

(1) "Elective cosmetic surgery" means any procedure defined as cosmetic surgery in subdivision (d) of Section 1367.63 of the Health and Safety Code, and excludes any procedure that constitutes reconstructive surgery, as defined in subdivision (c) of Section 1367.63 of the Health and Safety Code.

(2) "Facial" means those regions of the human body described in Section 1625 and in any regulations adopted pursuant to that section by the board.

(h) A holder of a permit issued pursuant to this section shall not perform elective facial cosmetic surgical procedures unless he or she has malpractice insurance or other financial security protection that would satisfy the requirements of Section 2216.2 and any regulations adopted thereunder.

(i) A holder of a permit shall comply with the requirements of subparagraph (D) of paragraph (2) of subdivision (a) of Section 1248.15 of the Health and Safety Code, and the reporting requirements specified in Section 2240, with respect to any surgical procedure authorized by this section, in the same manner as a physician and surgeon.

(j) Any violation of this section constitutes unprofessional conduct and is grounds for the revocation or suspension of the person's permit, license, or both, or the person may be reprimanded or placed on probation. Proceedings initiated by the board under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(k) On or before January 1, 2009, and every four years thereafter, the board shall report to the Joint Committee on Boards, Commissions and Consumer Protection 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.

1638.2. (a) Notwithstanding any other provision of law, a person licensed pursuant to Section 1634 who holds a permit to perform elective facial cosmetic surgery issued pursuant to this article may not perform elective facial cosmetic surgery on a patient, unless the patient has received, within 30 days prior to the elective facial cosmetic surgery procedure, and confirmed as up-to-date on the day of the procedure, an appropriate physical examination by, and written clearance for the procedure from, either of the following:

(1) A licensed physician and surgeon.

(2) A person licensed pursuant to Section 1634 who holds a permit to perform elective facial cosmetic surgery issued pursuant to this article.

(b) The physical examination described in subdivision (a) shall include the taking of an appropriate medical history.

(c) An appropriate medical history and physical examination done on the day of the procedure shall be presumed to be in compliance with subdivisions (a) and (b).

(d) A violation of this section shall not constitute a crime.

1638.3. (a) The fee to renew an oral and maxillofacial surgery permit shall be the same as that for renewal of a dental license as determined under Section 1724.

(b) Every provision of this chapter applicable to a person licensed to practice dentistry shall apply to a person to whom a special permit is issued under this article.

1638.5. An oral and maxillofacial surgery permit shall be automatically suspended for any period of time during which the holder does not possess a current valid license to practice medicine in this state.

1638.7. The next occupational analysis of dental licensees and oral and maxillofacial facial surgeons pursuant to Section 139 shall include a survey of the training and practices of oral and maxillofacial surgeons and, upon completion of that analysis, a report shall be made to the Joint Committee on Boards, Commissions, and Consumer Protection regarding the findings.

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MEMORANDUM

DATE	January 19, 2011
TO	EFCS Permit Credentialing Committee
FROM	Karen Fischer, Program Coordinator Elective Facial Cosmetic Surgery Permit Program
SUBJECT	**Agenda Item 1: Election of Committee Chair**

DUTIES OF THE COMMITTEE CHAIR:
The Committee Chair works with Board staff to set the agenda for the meetings, run the meetings, and call for votes and questions on motions at the meetings.

TERM:
Two (2) years

ACTION REQUESTED:
A motion and second to nominate a Chair of the Committee who will serve a two year term beginning with the next scheduled meeting in 2011.

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ELECTIVE FACIAL COSMETIC SURGERY PERMIT CREDENTIALING COMMITTEE MEETING MINUTES

Tuesday, November 3, 2009
15641 Red Hill Avenue, Suite 210
Tustin, CA 92780-7323

DRAFT

Members Present:
Robert Gramins, DDS
Nestor Karas, MD, DDS – Committee Chair
Anil Punjabi, MD, DDS
Peter Scheer, DDS
Jonathan Sykes, MD

Also Present:
Suzanne McCormick, DDS, Board Liaison to Committee
Karen Fischer, EFCS Program Coordinator
Donna Kantner, Dental Board Regulatory & Legislative Analyst
Kristy Schieldge, DCA Legal Counsel (participated by telephone)

Dr. Karas, Committee Chair, called the roll and established a quorum.

Agenda Item 1 – Introduction of New Committee Member Dr. Peter Scheer
Dr. McCormick administered the Oath of Office to a new member of the Committee, Dr. Peter Scheer. He was welcomed and congratulated by the other Committee members. There was no public comment.

Agenda Item 2 – Approval of July 8, 2009 Minutes
M/S/C (Sykes/Punjabi) to approve the Committee minutes of the July 8, 2009 meeting. The Committee voted unanimously to accept the minutes as presented. There was no public comment.

Agenda Item 3 – Legislative Update – AB 1116 (Carter) Relating to Cosmetic Surgery
Donna Kantner, Legislation and Regulations Analyst reported that AB 1116 (Carter) relating to cosmetic surgery was passed by the Legislature and signed into law by Governor Arnold Schwarzenegger on October 11, 2009.

This bill, also known as the Donda West Law, will prohibit the performance of elective facial cosmetic surgery on a patient unless the patient has received, within 30 days prior to the procedure, and confirmed as up-to-date on the day of the procedure, an appropriate physical examination by, and written clearance for the procedure, by either 1) a licensed physician and surgeon or 2) a DDS who holds a permit to perform elective facial cosmetic surgery.

The bill specifies that an appropriate medical history and physical examination done the day of the procedure is presumed to be in compliance with the bill and specifies that a violation of these provisions does not constitute a crime.

The intent of this law, according to the author's office, is to better protect individuals who are not physically fit from unnecessary bodily trauma that could result from elective cosmetic surgery. The author's office states that this bill is not directed at the many good practitioners who require their patients to have a medical clearance before elective cosmetic surgery. The author's office believes that explicitly requiring in law a physical examination prior to surgery will reduce the risk of complications, including death, during or after cosmetic surgical procedures.

Dr. Karas clarified that EFCS permit holders have two options – either to perform an appropriate medical history and physical examination on the patient themselves no later than the day of the procedure; or have the medical history and physical examination performed by the patient's primary care physician, within 30 days prior to the procedure.

Dr. Sykes asked for clarification of the section of the law relating to "a violation of these provisions does not constitute a crime". Kristy Schieldge, legal counsel clarified that this language is written in statute. She went on to say that a violation of the provision could result in discipline and/or civil action, but not criminal action. There was no public comment.

Agenda Item 4 – Review and Discussion of Dental Board Website as it Relates to the Elective Facial Cosmetic Surgery (EFCS) Permit Application Process

In the past, Committee members have asked if EFCS permit application information is available on the Dental Board website. Staff prepared a report outlining this information. Dr Karas walked the Committee members through the list of current permit holders, and general information about the Credentialing Committee which appear on the website. The Committee reviewed, in detail, the application instructions and offered changes that it hopes will clarify the application process until the regulations can be developed and adopted by the Board. Following are the suggested changes to "Applying for an Elective Facial Cosmetic Surgery Permit" that appears on the Board's website:

> Submit to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform. ~~from both categories as stated in subparagraph (A)(iii)(1) and (II).~~ The Committee recommends that you submit no more than 30 operative reports. Applicants may request that their permit be limited to specific categories of procedures (Category I and/or II), as specified on the application. As a result, operative reports submitted should be reflective and supportive of the permit category for which the applicant is applying.
>
> Documentation showing the surgical privileges ~~that the surgical privileges~~ the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.
>
> ~~Proof that the applicant is on active status of the staff of a general acute care hospital to perform the surgical procedures set forth in paragraph (A) at that hospital.~~ Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.

M/S/C (Sykes/Gramins) to request that Dr. McCormick, Board Liaison, present these recommended changes to the Board for approval at its upcoming meeting so that the website

could be updated as soon as possible. The motion passed unanimously. Dr. McCormick acknowledged this motion and agreed.

Agenda Item 5 – Discussion and Possible Action to Recommend to the Dental Board the Initiation of a Rulemaking for the Elective Facial Cosmetic Surgery (EFCS) Permit Process and the Terms of Office for Credentialing Committee Members

Donna Kantner, Legislative/Regulatory Analyst explained the difference between statue and regulation. The Committee has been operating by statute, language passed in legislation by the Legislature which became law. Statute tends to be broad. Regulations, on the other hand, are guidelines to clarify or make specific what is in the statute. Ms. Kantner suggested that the Committee review the statue in detail and recommend language, for all areas of the statue that need to be clarified, for the Board's consideration. She went on to explain the rule-making process and timelines.

The Committee reviewed the draft language and had the following comments:

Under "Application for Permit to perform elective facial cosmetic surgery pursuant to Section 1638.1", sections

(a) Ms. Kantner explained that this section outlines what the applicant needs to submit for the permit. There were no suggested changes.

(b) This section relates to "proctored procedures". The discussion was whether or not to require the proctors who are physicians/surgeons holding a current, valid and unrestricted license, to be licensed in California. The Committee agreed that they did not want to limit the applicant from seeking and receiving training from qualified proctors outside of California. Kristy Schieldge, legal counsel, cautioned the Committee that with regard to ensuring public safety, the Dental Board has jurisdiction only over California licensed dentists. There was additional discussion about how to verify the credentials of an out-of-state proctor. The Committee concluded that the applicant could self-certify that the procedures were proctored by either an oral and maxillofacial surgeon in California who holds a current, valid and unrestricted EFCS permit, or a physician and surgeon who holds a current, valid and unrestricted license to practice medicine issued by either the state of California or by another state.

    Dr. Sykes would like language included in this section that would require the applicant to perform a significant portion of the proctored procedures, either as the primary surgeon or first assistant.

(c) Committee members wanted to clarify that following review by the Dental Board, applicants will be notified of the status of their application within 30 days of that review.

Under "Renewal of Permit to perform elective facial cosmetic surgery pursuant to Section 1638.1", sections

(a) No changes

(b) (3) Rather than requiring submittal of additional documentation at renewal, the Committee suggested that the permit holder "self certify" that (s)he is on active status on the staff of a general acute care hospital or licensed outpatient surgical facility in California and maintains the necessary privileges based on the bylaws of the hospital to maintain that status. The Committee suggested adding a number (4) under this section that the permit holder self certify to malpractice insurance covering the procedures granted in the permit.

(c) No changes

(d) No changes

(e) Regarding the statutory requirement for a permit holder to submit evidence of continuing competence every six years upon renewal of the EFCS permit, the Committee discussed requiring additional operative reports to be submitted, a letter from the insurance company showing malpractice coverage for the privileges permitted to perform, and evidence of Board re-certification. The Committee concluded that the requirement for renewal at six years would be proof of medical staff privileges, proof of malpractice insurance for specific privileges of the permit, and continued Board certification.
(f) No changes

Under "Appointment and Terms of Credentialing Committee: Vacancies and Election of Chair", sections:
(a) No changes
(b) No changes
(c) No changes
(d) The Committee suggested that the Chair be elected for a two year term.

Additional Items Discussed:
The question the Committee had for legal counsel was whether or not a permit holder who was granted limited privileges could upgrade his/her permit and if so, how? Some of the questions relating to this were: Would the permit holder need to reapply? If so, would the permit holder keep the same permit number? Would the expiration date change? (The expiration date will always be the licensee's birthday and an odd or even year depending on when (s)he was born.) What would be the fee - some suggested that it should be half of the application fee which would be $250. What would be the requirements - submit additional operative reports, etc. Kristy Schieldge was asked to research this issue for discussion at a future meeting.

Dr. McCormick, Board Liaison, reported that the Board has been focusing on issues related to enforcement activity, such as decreasing the amount of time it takes staff to open a complaint, go through investigation, and to close the case. Since enforcement issues are taking high priority, she recommended that the Committee consider how to monitor where the EFCS permit procedures are being performed and to address this "facility" issue in regulations – perhaps requiring additional documentation of where the EFCS permit procedures were performed every six years, at the time renewal. Kristy Schieldge, legal counsel, indicated that this item was not specifically agendized and should be held for discussion at a future meeting.

Agenda Item 6 – Future Meeting Dates
The Committee reviewed the Board meeting dates that were provided in the packet. Prior practice has been for the EFCS Credentialing Committee to meet two weeks prior to a Board meeting. Dr. McCormick indicated that the February 10-11, 2010 date for the Board meeting may be moved up. Hearing this, Dr. Karas recommended that the Committee meet on Wednesday, January 13, 2010. The meeting would be in Sacramento. There was unanimous agreement. Dr. McCormick suggested that the Committee hold off setting additional meeting dates in 2010 because the Board calendar may change with the election of a new president. The Committee agreed. There was no public comment.

CLOSED SESSION - Consideration of Elective Facial Cosmetic Surgery Permit Applications. CLOSED SESSION began at 4:50 pm. Open Session resumed 5:00 pm.

Recommendations to Dental Board regarding Elective Facial Cosmetic Surgery Permit Applications

Dr. Karas reported that the Credentialing Committee reviewed one permit application. The Committee unanimously agreed to recommend to the Board that this application be approved for unlimited privileges in both Category I and Category II as requested in the application.

Public Comment

There was no public comment.

Adjournment

The meeting adjourned at 5:05 p.m.

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MEMORANDUM

DATE	January 19, 2011
TO	EFCS Permit Credentialing Committee
FROM	Karen Fischer, Program Coordinator Elective Facial Cosmetic Surgery Permit Program
SUBJECT	**Agenda Item 3: Report of Board Activities and Priorities for 2011**

Dr. McCormick, Board Liaison will give a verbal report.

ACTION REQUESTED: None. Information only.

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MEMORANDUM

DATE	January 19, 2011
TO	EFCS Permit Credentialing Committee
FROM	Karen Fischer, Program Coordinator Elective Facial Cosmetic Surgery Permit Program
SUBJECT	**Agenda Item 4: Review the Elective Facial Cosmetic Surgery Permit Application Process and Discuss Possible Recommendations for Changes**

Attached you will find a copy of the proposed regulatory language with the revisions discussed at the November 3, 2009 Committee meeting. Also attached is a copy of the EFCS application instructions, as revised at that same meeting, that appear on the Board's website.

The November 3rd meeting minutes outline the discussions that have occurred regarding clarification of the EFCS Permit application process. Following are additional topics the Committee might want to consider in clarifying that process:

OPERATIVE REPORTS

- Clear copies should be submitted
- The name (and address?) of the facility (acute care hospital, surgical center) should be on each report.
- If op reports are from a surgical center, include certification of the facility.
- Identification of whether the applicant is the surgeon, first assistant, etc for the procedure.
- Ask for an index of procedures by category.

APPLICATION

- Revise the application to make it clearer.
- Include a checklist.

RENEWAL OF PERMIT AT SIX YEARS

- Review this discussion about Board certification/re-certification.
- Continued competence – how to document

ADDITIONAL ITEMS

DENTAL BOARD OF CALIFORNIA

Proposed Language

Add new Article _____ to Chapter 2 of Division 10 of Title 16 of the California Code of Regulations and adopt Sections_____ to read as follows:

New added text is indicated by underline.

§ _____ Application for Permit to perform elective facial cosmetic surgery pursuant to Section 1638.1.

(a) An applicant for a permit to perform elective facial cosmetic surgery pursuant to Section 1638.1 of the Code shall submit a completed "Elective Facial Cosmetic Surgery Permit Application " (New 10/09) accompanied by the fee specified in Section 1638.1(d) of the code.

(b) For the purposes of this section "proctored procedures", means procedures that are proctored by an oral and maxillofacial surgeon in California who holds a current, valid and unrestricted Elective Facial Cosmetic Surgery permit, or a physician and surgeon who holds a current, valid and unrestricted license to practice medicine issued by the respective state.

(c) Following review, the Dental Board of California shall notify the applicant within 30 days as to whether a full permit or a limited permit will be issued and the basis for any limitations as authorized by Section 1638.1(e)(1) of the code.

Note: Authority cited: Sections 1614, 1638.1(b) Business and Professions Code. Reference: Sections 1638.1, Business and Professions Code.

§ _____ Renewal of Permit to perform elective facial cosmetic surgery pursuant to Section 1638.1.

(a) Permits issued under this article shall expire no more than 24 months after the issue date. The expiration date of the original permit shall be the same date as the applicant's dental license.

(b) To renew an unexpired permit issued under this section, the applicant shall:

(1) Apply for renewal by completing form number FCSP – 1 (New 10/09)
(2) Pay the fee specified in Section 1638.1(d), and
(3) Self-certify that the applicant is on active status on the staff of a general acute care hospital or licensed outpatient surgical facility in California and maintains the necessary privileges based on the bylaws of the hospital to maintain that status, and
(4) Self-certify that the applicant shall maintain malpractice insurance for the permit which includes coverage for the procedures granted by his or her permit.

(c) To renew an expired permit issued under this article within 5 years after its expiration, an applicant shall, as a condition precedent to renewal, complete all of the actions described in subdivision (b) and pay a delinquency fee in the amount specified by Section 163.5 of the code.

(d) Failure to provide the required fee or all of the information required by this section renders any application for renewal incomplete and the permit will not be renewed until a complete application is submitted.

(e) Every 6 years upon renewal an Elective Facial Cosmetic Surgery Permit holder shall submit evidence of continuing competence by:

(1) Documentation of the requirements specified in Section (b)(3), and

(2) Evidence of current board certification that includes cosmetic surgery recertification, and

(3) Evidence of maintenance of board certification.

(f) A permit that is not renewed within five years after its expiration may not be renewed, restored, reinstated or reissued thereafter; however the applicant may apply for and obtain a new permit if he or she satisfies all of the following requirements:

(1) No basis for denial according to Section 1680 exists that, if the permit were issued, would justify its revocation or suspension.

(2) The applicant submits a complete new application for permit eligibility in compliance with Section [insert # of section for Application for Permit]

(3) The applicant submits the applicable fees required by 1638.1(d) of the Code.

Note: Authority cited: Sections 1614, 1638.1(b) Business and Professions Code. Reference: Sections 1638.1, Business and Professions Code.

§ Appointment and Terms of Credentialing Committee; Vacancies and Election of Chair.

(a) Appointments to the Committee shall be for four-year terms, but no person shall be appointed to serve more than two consecutive full terms.

(b) Terms of office for Committee members shall begin on the date that the oath of office is signed and notarized.

(c) Vacancies on the Committee shall be filled by appointment for the unexpired term.

(d) The Committee shall elect one of its members as chair every other year for a two-year term at its last meeting of the year, with the chair assuming his or her duties at the first meeting of the following year.

Note: Authority cited: Sections 1614, 1638.1 Business and Professions Code. Reference: Sections 1638.1, Business and Professions Code.

Department of Consumer Affairs
DENTAL BOARD OF CALIFORNIA

Licensed Dentists

ELECTIVE FACIAL COSMETIC SURGERY PERMITS

Business and Professions Code, Section 1638.1, states a person licensed pursuant to Section 1634 who wishes to perform elective facial cosmetic surgery shall first apply for and receive a permit to perform elective facial cosmetic surgery from the board.

APPLYING FOR AN ELECTIVE FACIAL COSMETIC SURGERY PERMIT

The primary requirements for a permit to perform Elective Facial Cosmetic Surgery are defined in Business and Professions Code, Section 1638.1.

The requirements for an Elective Facial Cosmetic Surgery Permit include, but may not be limited to submitting the following documentation:

1. A completed application form.
2. Proof of successful completion of an oral and maxillofacial surgery residency program accredited by the Commission on Dental Accreditation of the American Dental Association.
3. Proof that the applicant has satisfied the criteria specified in either subparagraph (A) or (B) of Section 1638.1(c)(2).
4. Submit to the board a letter from the program director of the accredited residency program, or from the director of a postresidency fellowship program accredited by the Commission on Dental Accreditation of the American Dental Association.
5. Submit to the board of at least 10 operative reports from residency training or proctored procedures that are representative of procedures that the licensee intends to perform. The Committee recommends that you submit no more than 30 operative reports. Applicants may request that their permit be limited to specific categories of procedures (Category I and/or II), as specified on the application. As a result, operative reports submitted should be reflective and supportive of the permit category for which the applicant is applying.
6. Documentation showing the surgical privileges the applicant possesses at any licensed general acute care hospital and any licensed outpatient surgical facility in this state.
7. Proof that the applicant is on active status on the staff of a general acute care hospital and maintains the necessary privileges based on the bylaws of the hospital to maintain that status.
8. An application fee of $500.00

RENEWING YOUR PERMIT

An Elective Facial Cosmetic Surgery Permit expires when the permitholder license expires and must be renewed every two years. Every six years, prior to renewal of the permitholder's licensed and permit, the permitholder shall submit evidence acceptable to the credentialing committee that he or she has maintained continued competence to perform the procedures authorized by the permit.

For more information, contact the Dental Board at (916) 263-2300.

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STATE OF CALIFORNIA
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DEPARTMENT OF CONSUMER AFFAIRS

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MEMORANDUM

DATE	January 19, 2011
TO	EFCS Permit Credentialing Committee
FROM	Karen Fischer, Program Coordinator Elective Facial Cosmetic Surgery Permit Program
SUBJECT	**Agenda Item 5: Future Meeting Dates**

Staff is requesting that the Committee consider scheduling its meetings at least 30 days prior to a Board meeting to allow staff time to prepare any recommendations being brought before the Board.

The Dental Board is scheduled to meet in 2011 on the following dates:

2011 BOARD MEETING DATES	PROPOSED 2011 Credentialing Committee Meeting Dates
February 24-25, 2011	January 19, 2011
May 19-20, 2011	April
August 11-12, 2011	July
November 7-8, 2011	September-October

ACTION REQUESTED: To schedule Committee meetings at least 30 days prior to a Board meeting to allow staff time to prepare any recommendations being brought before the Board.

STATE OF CALIFORNIA
APPOINTMENT CALENDAR
STD. 1 (REV. 9/2010)

State Pay Period Calendar for 2011

JANUARY 2011
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY 2011
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	1				

MARCH 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
			2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL 2011
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1					

AUGUST 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
		2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER 2011
21 Days 168 Hours

SU	M	TU	W	TH	F	SA
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER 2011
22 Days 176 Hours

SU	M	TU	W	TH	F	SA
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOTE: Holidays and pay periods after July 1, 2010, are subject to any collective bargaining agreements negotiated in Fiscal Year 2010–2011 or thereafter.