



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

**Wednesday, July 8, 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

**Members Absent:**

Dr. Brian Wong, MD  
Peter Scheer, DDS

**Also Present:**

Nellie Forgét, Program Coordinator  
Sarah Wallace, Assistant Executive Officer  
Spencer Walker, DCA Legal Counsel  
Bruce Whitcher, 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

Dr. Robert Gramins called the roll by teleconference and established a quorum at 3:06 p.m.

**Agenda Item 2 : Approval of April 8, 2015 Meeting Minutes**

M/S (Punjabi/Gallia) to accept the minutes of the April 8, 2015.

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

**Approve:** 3 **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.

Mrs. Forgét also reported that there were currently 28 EFCS permit holders.

**Agenda Item 4: Discussion and Possible Action Concerning Regulatory Language for Elective Facial Cosmetic Surgery Permit Application and Renewal Process**

Dr. Robert Gramins gave a recap from the last meeting, reminding the Committee and staff that Dr. Louis Gallia was going to look into operative report requirements of other licensing boards. Dr. Gallia informed the Committee that he failed to look into these requirements but still feels strongly that we should have similar but not excessive requirements of other surgical boards and he will look into it further if given another chance.

Dr. Gramins informed the Committee that he spoke with Nestor Karas, the former EFCS board chair, and that Dr. Karas wanted to remind the Committee that this is a licensing board not a specialty certification board. By making extra requirements as a licensing board we are overstepping our bounds. Dr. Gramins emphasized that the Board has discretionary immunity which means if a permit holder gets licensed and sued for a surgical privilege they are not licensed to perform, the Board has no liability for that person doing that procedure. Dr. Gramins restated his conversation with Dr. Karas, discussing once the applicant is licensed it is their responsibility to maintain their status, education and proficiency to do the procedures they are licensed and comfortable to perform; it's really not the Board's job to worry about this area. Dr. Gramins does feel there should be some continuing education requirement and that should be more than enough to protect the state of California without an operative report requirement.

Mrs. Forgét confirmed the Committee's suggestion of 24 hours of continuing education and verified there would be enough vendors for permit holders to obtain these continuing education hours. Dr. Gramin's confirmed that 24 hours over a six year period breaks down to four units per year and there were plenty of avenues to obtain the continuing education.

Dr. Whitcher recommended that when this regulatory package is presented to the Board it may be helpful to have additional information on rational for supporting and opposing positions on the draft regulation packages because the Board will have to sponsor that package.

M/S (Gramins/Gallia) to accept the proposed 24 hours of continuing education as the six year continued competency requirement 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.

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

**Approve:** 2 **Oppose:** 1 **Abstain:** 0 The motion passed.

Dr. Punjabi stressed that he opposes removing operative reports as one of the six year continued competency requirements; going to a couple hour courses cannot demonstrate competency without any written documentation that these procedures are being performed.

Dr. Gramin's emphasized that the ability of the person performing the procedure rests on that person. It is impossible to verify authenticity or what goes on in an operation that is dictated by the person who is submitting it to the Board. The burden of a malpractice

lawsuit because the licensee did something that you don't know how to do is a much higher deterrent to a capable surgeon than what the permit allows.

Mrs. Forgét tabled the agenda item until regulatory language is drafted to reflect the Committee's recommendation.

**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. S.B.: Dr. S.B. applied for an unlimited category I & II permit. The Committee determined to recommend to the Board to table the application of Dr. S.B. and directed staff to send a letter to the applicant requesting more recent operative reports and a revised letter from a program director that supports the applicant's ability to do the specific procedures he is requesting a permit. Otherwise, if the applicant cannot obtain a letter from a program director, the applicant can apply through pathway B and simply get more updated operative reports.

**Proposed Future Agenda Item**

Dr. Whitcher brought up the fee changes and the possibility that the Board may want to hear what the Committee thinks about an appropriate fee for the application and renewal fee for the Elective Facial Cosmetic Surgery Permit. After a brief discussion Dr. Gramins suggested we add this as a future agenda item.

Open Session adjourned at 3:38 p.m.

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

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