

DENTAL BOARD OF CALIFORNIA

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

**REPORT PREPARED BY:
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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. The last report was submitted in January 2009, and statute requires additional reports to be submitted every four years thereafter.

On September 30, 2006, Governor Arnold Schwarzenegger signed Senate Bill 438 (Chapter 909, Statutes of 2006), which took effect on January 1, 2007. This statute allows Oral and Maxillofacial Surgeons licensed by the Board, who are not also licensed as physicians and surgeons by the Medical Board of California, to seek authorization to perform elective facial cosmetic surgery. Additionally, this statute establishes a Credentialing Committee (Committee) to review the qualifications of each applicant and specifies the application requirements for an EFCS 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 Surgeons, all of whom are required to 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(c) 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 the recommendation of the Committee. An unlimited permit allows the licensee to perform Category I and Category II procedures as previously specified. 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 all 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 Legislature on January 1, 2009 and every four years thereafter. The report is required to contain the following information:

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 1638.1(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 following information is being submitted on behalf of the Board in compliance with the requirements contained in Code Section 1638.1(k):

In 2009, the Board received a total of nine (9) applications; five (5) applications had been carried over from the previous year and the Board received four (4) new applications. Of the nine (9) applications, the staff referred six (6) applications to the Committee for evaluation. Three (3) applications were deemed deficient; all three applicants were notified by staff of the deficiencies and the applications were held for Committee evaluation until the deficiencies were corrected. Of the six (6) applications evaluated, the Committee recommended the Board approve five (5) Category I and II, Unlimited Permits and one (1) Category II, Limited Permit. The Board approved the Committee's recommendations. A total of six (6) permits were issued in 2009.

In 2010, the Board received a total of six (6) applications; three (3) applications had been carried over from the previous year and the Board received three (3) new applications. Of the six (6) applications, staff referred one (1) application to the Committee for evaluation. Four (4) applications were deemed deficient; all four applicants were notified by staff of the deficiencies and applications were held for Committee evaluation until the deficiencies were corrected. Staff deemed one (1) application ineligible for the permit because the applicant was licensed as a physician and surgeon by the Medical Board of California. For this reason the applicant was refunded the \$500 application fee. The Committee recommended the Board approve one (1) Category I and II, Unlimited Permit.

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The Board approved the Committee's recommendation. A total of one (1) permit was issued in 2010.

In 2011, the Board received a total of seven (7) applications; four (4) applications had been carried over from the previous year and the Board received three (3) new applications. Of the seven (7) applications, staff referred two (2) applications to the Committee for evaluation. Six (6) applications were deemed deficient; all six applicants were notified by staff of the deficiencies and applications were held for Committee evaluation until the deficiencies were corrected. The Committee recommended the Board approve one (1) Category I and II, Unlimited Permit. The Board approved the Committee's recommendation. A total of one (1) permit was issued in 2011.

In 2012, the Board received a total of eleven (11) applications; six (6) applications had been carried over from the previous year and the Board received five (5) new applications. Of the eleven (11) applications, staff referred three (3) applications to the Committee for evaluation. Seven (7) applications were deemed deficient; all seven applicants were notified by staff of the deficiencies and applications were held for Committee evaluation until the deficiencies could be corrected. The Committee recommended the Board approve two (2) Category I and II, Unlimited Permits and one (1) Category II, Limited Permit. The Board approved the Committee's recommendations. A total of three (3) permits were issued in 2012.

The Board has provided a table summarizing the applications received, Committee recommendations, Board actions, and total permits issued on page 6 of this report (Table 1: Summary of Applications Received, Committee Recommendations, Board Actions, and Total Permits Issued).

In conclusion, the Board has issued a total of eleven (11) EFCS permits between January 2009 and December 2012 ; nine (9) permits for Category I and Category II, Unlimited and two (2) for Category II, limited. The Board currently oversees a total of twenty-two EFCS permits that have been issued since the program's inception.

To date, the Board has not received any complaints filed by or on behalf of patients who have received elective facial cosmetic surgery by those who have received a permit from the Board to perform elective facial cosmetic surgery; therefore, the Board has not had to pursue disciplinary action due to such complaints. The Committee will continue to receive and evaluate applications for the EFCS permit and provide recommendations to the Board that are in the best interest of public protection.

**Table 1: Summary of Applications Received,
Committee Recommendations, Board Actions, and Total Permits Issued**

	Jan. 2009 to Dec. 2009	Jan. 2010 to Dec. 2010	Jan. 2011 to Dec. 2011	Jan. 2012 to Dec. 2012
APPLICATIONS RECEIVED				
Applications Carried Over from Previous Year	5	3	4	6
New Applications Received	4	3	3	5
<i>Total Applications Received and Reviewed by Staff</i>	9	6	7	11
Applications Referred to the Committee for Evaluation	6	1	2	3
Applications Deemed Deficient	3	4	6	7
Applications Deemed Ineligible	0	1	0	0
<i>Applications Carried Over to Next Year</i>	3	4	6	7
COMMITTEE RECOMMENDATIONS TO THE BOARD				
Committee Recommended Approval for Category I and Category II, Unlimited	5	1	1	2
Committee Recommended Approval of Category II, Limited	1	0	0	1
BOARD ACTIONS ON RECOMMENDATIONS RECEIVED BY THE COMMITTEE				
Board Approved Committee Recommendation for Issuance of Category I and Category II, Unlimited	5	1	1	2
Board Approved Committee Recommendation for Issuance of Category II, Limited	1	0	0	1
TOTAL NUMBER OF PERMITS ISSUED BY THE BOARD TO PERFORM EFCS	6	1	1	3