



DENTAL BOARD OF CALIFORNIA

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**DENTAL BOARD OF CALIFORNIA
ELECTIVE FACIAL COSMETIC SURGERY PERMIT
CREDENTIALING COMMITTEE**

**NOTICE OF TELECONFERENCE MEETING
April 26, 2023**

Committee Members

Robert Gramins, DDS, Chair
Andre Guerrero Fernandes, DDS, MD
Louis Gallia, DMD, MD
Anil Punjabi, MD, DDS
Peter Scheer, DDS

**Action may be taken on any item
listed on the agenda.**

The Elective Facial Cosmetic Surgery Committee (Committee) of the Dental Board of California (Board) will meet by teleconference at:

3:00 p.m., on Wednesday, April 26, 2023

In accordance with Government Code Section 11133, this meeting will be held by teleconference with no physical public location.

Important Notice to the Public: The Committee will hold this meeting via WebEx Events. Instructions to connect to the meeting can be found [HERE](#).

To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mdecc895bbd52fe7bc5076cff652d257a>

Event Number: 2484 358 5317

Event password: DBC04262023 (32204262 from phones)

Due to potential technical difficulties, please consider submitting written comments by April 19, 2023, to DentalBoard@dca.ca.gov for consideration.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to

provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com.

AGENDA

1. Call to Order/Roll Call/Establishment of Quorum
2. Public Comment on Items Not on the Agenda
Note: The Committee may not discuss or take action on any matter raised during this Public Comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125 and 11125.7(a).)
3. Discussion and Possible Action on October 26, 2022 Meeting Minutes
4. Recess Open Session
5. Convene Closed Session
6. Consideration of Elective Facial Cosmetic Surgery (EFCS) Permit Application(s) – Pursuant to Government Code section 11126(c)(2), the Committee will convene in Closed Session to deliberate on applicant qualifications for EFCS permits.
7. Adjourn Closed Session
8. Reconvene Open Session
9. Chair’s Report on Closed Session Items – Recommendation(s) to the Board on EFCS Permit Application(s)
10. Adjournment

This agenda can be found on the Dental Board of California website at dbc.ca.gov. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public. The meeting will not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Committee, but the

Committee Chair, at his or her discretion, may apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

In accordance with Government Code section 11133(b)(2)(A), the teleconference locations from which Board members participate in the meeting will not be identified in the notice and agenda of the meeting.

This meeting is being held via WebEx Events. The meeting 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 Mirela Taran, Administrative Analyst, at Dental Board of California, 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 ensure availability of the requested accommodation. **Hearing impaired persons: 711 or 1-800-735-2929 (TTY). California Relay service: 1-800-735-2922 (Voice).**

BUSINESS AND PROFESSIONS CODE
SECTION 1638.1

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 required by the board for an initial permit. The fee to renew a permit shall not exceed the maximum amount prescribed in Section 1724.

(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.

(Amended by Stats. 2015, Ch. 510, Sec. 8. (AB 179) Effective January 1, 2016.)



**DENTAL BOARD OF CALIFORNIA
ELECTIVE FACIAL COSMETIC SURGERY PERMIT CREDENTIALING COMMITTEE
TELECONFERENCE MEETING MINUTES
Wednesday, October 26, 2022**

NOTE: In accordance with Government Code Section 11133, the Elective Facial Cosmetic Surgery Permit Credentialing Committee (Committee) of the Dental Board of California (Board) met on October 26, 2022, by teleconference/WebEx events with no physical public locations.

Members Present

Robert Gramins, DDS, Chair
Andre Guerrero Fernandes, DDS, MD
Louis Gallia, DMD, MD
Peter Scheer, DDS

Members Absent

Anil Punjabi, MD, DDS

Staff Present

Tracy A. Montez, Ph.D., Interim Executive Officer
Paige Ragali, Dentistry Licensing and Examination Unit Manager
Mirela Tiran, Administrative Analyst
Tara Welch, Board Counsel, Attorney IV, Department of Consumer Affairs

Agenda Item 1: Call to Order/Roll Call/Establishment of Quorum

The Committee Chair, Dr. Robert Gramins, called the meeting to order at 3:00 p.m. Ms. Paige Ragali called the roll; four Committee members were present, and a quorum was established. Committee member Dr. Anil Punjabi was absent for the meeting.

Agenda Item 2: Public Comment on Items Not on the Agenda

There were no public comments made on items not on the agenda.

Agenda Item 3: Discussion and Possible Action on January 12, 2022 Meeting Minutes

Motion/Second (M/S) (Scheer/Guerrero Fernandes) to approve the January 12, 2022 meeting minutes.

Chair Gramins requested public comment before the Committee acted on the motion. There were no public comments made on this item.

Chair Gramins called for the vote on the motion. Ms. Ragali took a roll call vote on the motion.

Ayes: Gallia, Gramins, Guerrero Fernandes, Scheer
Noes: None
Abstentions: None
Absent: Punjabi
Recusals: None

The motion passed.

Agenda Item 4: Recess Open Session

Open Session was recessed at 3:13 p.m.

Agenda Item 5: Convene Closed Session

Closed Session convened at 3:13 p.m.

Agenda Item 6: Consideration of Elective Facial Cosmetic Surgery (EFCS) Permit Application(s)

The Committee considered one EFCS permit application.

Agenda Item 7: Adjourn Closed Session

Closed Session was adjourned at 3:41 p.m.

Agenda Item 8: Reconvene Open Session

Open Session reconvened at 3:41 p.m.

Agenda Item 9: Chair's Report on Closed Session Items – Recommendation(s) to the Board on EFCS Permit Application(s)

Chair Gramins provided a report on the EFCS permit application considered by the Committee in Closed Session, as follows.

Applicant Dr. H.S.: Dr. H.S. applied for an unlimited Category I & II permit under Business and Professions Code (BPC) section 1638.1, subdivision (c)(2)(A)(iii)(I) and (II).

The Committee tabled the application pending submission to the Committee of additional information from the applicant.

Agenda Item 10: Adjournment

Chair Gramins adjourned the meeting at 3:42 p.m.

MINUTE BOOK FOR THIS ITEM IS PREPARED BY PAIGE RAGALI, DENTISTRY
LICENSING AND EXAMINATION UNIT MANAGER
