

AMENDED IN SENATE MARCH 30, 2004

**SENATE BILL**

**No. 1336**

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**Introduced by Senator Burton**  
*(Principal coauthor: Senator Brulte)*

February 18, 2004

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An act to ~~amend Section 1638 of~~ *add Section 1638.1 to the Business and Professions Code, relating to oral and maxillofacial surgery, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1336, as amended, Burton. Oral and maxillofacial surgery.

Existing law, *the Dental Practice Act*, provides for the licensure and regulation of the practice of dentistry by the Board of Dental Examiners, and authorizes a licensed physician and surgeon who is ~~not~~ licensed to practice dentistry *in another state or has certification or eligibility for oral and maxillofacial surgery by specific entities* to apply for, and for the board to issue, an oral and maxillofacial surgery permit. Existing law ~~defines oral and maxillofacial surgery as the diagnosis and surgical and adjunctive treatment of diseases, injuries, and defects which involve the oral and maxillofacial region~~ *requires all funds received under the act to be placed in the State Dentistry Fund, which is continuously appropriated.*

This bill would ~~change the reference in that definition to human diseases~~ *require that licensee to apply for and receive a permit to perform elective facial cosmetic surgery prior to performing that surgery. The bill would require an applicant for a permit to furnish specified information on an application form approved by the board, to furnish fingerprints, and to pay an application fee of \$150. The bill*

would prohibit a licensee from performing such a surgery procedure except at certain specified health facilities.

Because this bill would increase the amount of fees deposited in the State Dentistry Fund, a continuously appropriated fund, it would make an appropriation.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1     ~~SECTION 1. Section 1638 of the Business and Professions~~  
2     SECTION 1. Section 1638.1 is added to the Business and  
3     Professions Code, to read:  
4     1638.1. (a) A person licensed pursuant to Section 1638 who  
5     wishes to perform elective facial cosmetic surgery shall first apply  
6     for and receive a permit to perform elective facial cosmetic surgery  
7     from the board.  
8     (b) A licensee may obtain a permit to perform elective facial  
9     cosmetic surgery by furnishing all of the following information on  
10    an application form approved by the board:  
11    (1) Proof of successful completion of an oral and maxillofacial  
12    surgery residency program accredited by the Commission on  
13    Dental Accreditation of the American Dental Association.  
14    (2) Proof of other qualifications and training established by  
15    regulation by the board, as it deems necessary to protect the public.  
16    (c) The application shall be accompanied by an application fee  
17    of one hundred and fifty dollars (\$150) and by two classifiable sets  
18    of fingerprints on forms provided by the board.  
19    (d) A licensee may not perform any elective, facial cosmetic  
20    surgical procedure except at a general acute care hospital, a  
21    licensed outpatient surgical facility, or a surgery center or office  
22    surgical facility accredited by the Joint Commission on  
23    Accreditation of Healthcare Organizations (JCAHO), by the  
24    American Association for Ambulatory Health Care (AAAHC), by  
25    the Medicare program, or by another accrediting body either  
26    determined by the board to be equivalent to those organizations,  
27    or approved by the Medical Board of California pursuant to  
28    subdivision (g) of Section 1248.1 of the Health and Safety Code.  
29    (e) For purposes of this section, the following terms have the  
30    following meanings:



1 (1) “Elective cosmetic surgery” means any procedure defined  
2 as cosmetic surgery in subdivision (d) of Section 1367.63 of the  
3 Health and Safety Code, and excludes any procedure that  
4 constitutes reconstructive surgery, as defined in subdivision (c) of  
5 Section 1367.63 of the Health and Safety Code, unless that surgery  
6 is otherwise within the scope of practice of the licensee, as defined  
7 in Section 1625 and any regulations adopted pursuant to that  
8 section by the board.

9 (2) “Facial” means those conditions and regions of the human  
10 body described in Section 1625 and in any regulations adopted  
11 pursuant to that section by the board.

12 Code is amended to read:

13 ~~1638. (a) For purposes of this article, “oral and maxillofacial~~  
14 ~~surgery” means the diagnosis and surgical and adjunctive~~  
15 ~~treatment of human diseases, injuries, and defects which involve~~  
16 ~~both functional and esthetic aspects of the hard and soft tissues of~~  
17 ~~the oral and maxillofacial region.~~

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

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

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

