

AMENDED IN SENATE APRIL 28, 2004

AMENDED IN SENATE MARCH 30, 2004

SENATE BILL

No. 1336

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

February 18, 2004

An act to 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 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 requires all funds received under the act to be placed in the State Dentistry Fund, which is continuously appropriated.

This bill would, *commencing July 1, 2006*, require that a licensee ~~to~~ apply for and receive a permit to perform elective facial cosmetic surgery prior to performing ~~that surgery~~ *elective facial cosmetic surgery*. The bill would *also, commencing July 1, 2006*, 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.

The bill would authorize the board to adopt regulations related to the permits, and would require the board to appoint an advisory committee to obtain recommendations regarding the regulations.

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: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 1638.1 is added to the Business and
 2 Professions Code, to read:
 3 1638.1. (a) A person licensed pursuant to Section ~~1638~~ 1634
 4 who wishes to perform elective facial cosmetic surgery shall first
 5 apply for and receive a permit to perform elective facial cosmetic
 6 surgery from the board.
 7 (b) *The board may adopt regulations for the issuance of the*
 8 *permit that it deems necessary to protect the health, safety, and*
 9 *welfare of the public.*
 10 (c) A licensee may obtain a permit to perform elective facial
 11 cosmetic surgery by furnishing all of the following information on
 12 an application form approved by the board:
 13 (1) Proof of successful completion of an oral and maxillofacial
 14 surgery residency program accredited by the Commission on
 15 Dental Accreditation of the American Dental Association.
 16 (2) Proof of other qualifications and training established by
 17 regulation by the board, as it deems necessary to protect the public.
 18 ~~(e)~~
 19 (d) The application shall be accompanied by an application fee
 20 of one hundred and fifty dollars (\$150) and by two classifiable sets
 21 of fingerprints on forms provided by the board.
 22 ~~(d)~~
 23 (e) (1) *The board shall appoint an advisory committee to*
 24 *obtain recommendations concerning the need for, and the content*
 25 *of, regulations authorized by subdivision (b), by paragraph (2) of*
 26 *subdivision (c), and by subdivision (g). The advisory committee*
 27 *shall make recommendations to the board within six months of*



1 *being appointed. These recommendations shall include, but shall*
2 *not be limited to, all of the following:*

3 (A) *The qualifications and training that an applicant for a*
4 *permit should have.*

5 (B) *The number and types of surgical cases that an applicant*
6 *should submit to the board to establish his or her ability to perform*
7 *cosmetic surgery.*

8 (C) *The credentialing process that the board should employ in*
9 *evaluating the information provided by the applicant.*

10 (D) *The scope and extent of procedures that would be*
11 *authorized by the permit for a particular applicant.*

12 (E) *The scope and extent of procedures that are authorized*
13 *pursuant to Section 1625, including procedures related to*
14 *“associated structures.”*

15 (2) *The advisory committee shall include the members that the*
16 *board deems appropriate, and shall include, at a minimum, the*
17 *following members:*

18 (A) *A board certified oral and maxillofacial surgeon.*

19 (B) *A board certified plastic and reconstructive surgeon.*

20 (C) *A board certified otolaryngologist.*

21 (D) *A physician and surgeon who sits on a surgical*
22 *credentialing committee at a general acute care hospital.*

23 (3) *The board shall solicit from the following organizations*
24 *input and recommendations regarding members to be appointed to*
25 *the advisory committee:*

26 (A) *The Medical Board of California.*

27 (B) *The California Dental Association.*

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

30 (D) *The California Medical Association.*

31 (E) *The California Society of Plastic Surgeons.*

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

33 (4) *The board shall make its appointments not later than May*
34 *1, 2005, but may commence its appointment process at any time*
35 *prior to that date, including any authority the board has to do so*
36 *prior to the effective date of this section.*

37 (5) *Nothing in this subdivision shall preclude the board from*
38 *adopting regulations for the issuance of the cosmetic surgery*
39 *permit authorized by this section if the advisory committee fails to*
40 *make recommendations under paragraph (1).*



1 (f) A licensee may not perform any elective, facial cosmetic
2 surgical procedure except at a general acute care hospital, a
3 licensed outpatient surgical facility, or a surgery center or office
4 surgical facility accredited by the Joint Commission on
5 Accreditation of Healthcare Organizations (JCAHO), by the
6 American Association for Ambulatory Health Care (AAAHC), by
7 the Medicare program, or by another accrediting body either
8 determined by the board to be equivalent to those organizations,
9 or approved by the Medical Board of California pursuant to
10 subdivision (g) of Section 1248.1 of the Health and Safety Code.

11 ~~(e)~~

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

14 (1) “Elective cosmetic surgery” means any procedure defined
15 as cosmetic surgery in subdivision (d) of Section 1367.63 of the
16 Health and Safety Code, and excludes any procedure that
17 constitutes reconstructive surgery, as defined in subdivision (c) of
18 Section 1367.63 of the Health and Safety Code, unless that surgery
19 is otherwise within the scope of practice of the licensee, as defined
20 in Section 1625 and any regulations adopted pursuant to that
21 section by the board.

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

25 (h) *Subdivisions (a), (c), (d), (f), and (g) shall become*
26 *operative on July 1, 2006.*

