

**OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333**

DIVISION 28

SCHOOL-BASED HEALTH PROGRAMS

333-028-0300

Local School Dental Sealant Programs: Purpose

(1) The Oral Health Program supports communities in improving the oral health of the school-age population through evidence-based best practices within a public health framework. The Association of State and Territorial Dental Directors (ASTDD), Centers for Disease Control and Prevention (CDC), and the Community Preventive Services Task Force have all determined that school dental sealant programs (SDSPs) are an evidence-based best practice with strong evidence of effectiveness in preventing cavities among children and adolescents.

(2) These rules (OAR 333-028-0300 through 333-028-0395) establish the procedure and criteria the Oregon Health Authority shall use to certify, train, recertify, and monitor and collect data from Local School Dental Sealant Programs. Annual certification of a Local School Dental Sealant Program by the State Oral Health Program is mandatory before dental sealants can be provided in a school setting.

Statutory/Other Authority: ORS 431A.725

Statutes/Other Implemented: ORS 431A.725

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333-028-0310

Local School Dental Sealant Programs: Definitions

(1) "Aerosol Generating Healthcare (AGH)" means any dental procedure that uses an air/water syringe or suction device.

(2) "Authority" means the Oregon Health Authority.

(3) "Authority approved isolation device" means an Authority approved dental isolation device used to assist the dental hygienist in isolating teeth and using suction to remove saliva.

(4) "CCO" means Coordinated Care Organization.

(5) "CDC" means the U.S. Centers for Disease Control and Prevention.

(6) "Certification" means the Local SDSP has been authorized by the Authority to operate in an elementary or middle school setting. Certification by the Program is mandatory before dental sealants can be provided in a school setting.

(7) "Certification training" is a mandatory one-time training for Local SDSPs provided by the Program that must be completed before an application for certification is submitted. Training topics shall include:

- (a) State and federal updates;
- (b) Research and evidence-based practices;
- (c) Scope of practice and utilizing dental hygienists and dental assistants;
- (d) Health equity, cultural responsiveness, and health literacy;
- (e) Antidiscrimination laws and rules;
- (f) Recruiting and working with schools;
- (g) Providing services in a school setting;
- (h) Equipment and supplies needed;
- (i) Protocols for safe, quality care;
- (j) Data collection and reporting; and
- (k) Evaluation and continuous quality improvement.

- (8) "Certification year" means a one-year period beginning on August 1 and ending on July 31.
- (9) "Clinical training" is an annual training provided by the Local SDSP or Program to update skills in sealant application techniques. Training topics shall include:
- (a) Determining the need for and appropriateness of sealants;
 - (b) Manufacturer's guidelines for sealant placement;
 - (c) Infection prevention and control (IPC) guidelines;
 - (d) Quality assessment of the program, such as performance benchmarks and standards;
 - (e) Confidentiality and security guidelines, including HIPAA and FERPA;
 - (f) Health equity and;
 - (g) Internal policies and procedures.
- (10) "FERPA" means the Family Educational Rights and Privacy Act.
- (11) "HIPAA" means the Health Insurance Portability and Accountability Act.
- (12) "IPC" means infection prevention and control.
- (13) "Local SDSP" means local school dental sealant program.
- (14) "Non-Aerosol Generating Healthcare (non-AGH)" means any dental procedure that does not use the air/water syringe or suction device.
- (15) "Oregon OSHA" means the Oregon Occupational Safety and Health Administration.
- (16) "Program" means the Oregon Health Authority, Public Health Division, Oral Health Program.
- (17) "Recertification" means the Local SDSP has been authorized by the Authority to operate in a school setting for the next certification year.

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333-028-0320

Local School Dental Sealant Programs: Certification Requirements

To be certified, a Local SDSP must meet all requirements for certification. During a declared state of emergency or public health emergency, the Program may, in writing, waive certification requirements.

- (1) To apply for certification, a Local SDSP must be an entity outside of the Authority that has the infrastructure to operate a program that provides dental sealants in a school setting. If the Local SDSP applicant is a business entity, then it must be registered with the Oregon Secretary of State.
- (2) A Local SDSP must have a written policy to coordinate with schools, school districts, or public charter schools to facilitate background checks of Local SDSP staff as required by school policy as described in ORS 326.607.
- (3) A representative responsible for coordinating and implementing the Local SDSP must attend a one-time certification training provided by the Program prior to applying for certification. If the Local SDSP experiences personnel changes that impact the representative responsible for coordinating and implementing the Local SDSP, then a new representative must attend the one-time certification training before applying for recertification. Any templates or materials provided by the Program during the certification training that are modified or used by the Local SDSP must acknowledge the Program on such templates or materials.
- (4) A Local SDSP must provide an annual clinical training to all of the Local SDSP's providers rendering care within their scope of practice in a school setting. This requirement may be met by one of these methods:
 - (a) A Local SDSP develops and implements its own training.
 - (b) A Local SDSP sends their providers to an annual training provided by the Program. The Program will include application techniques for resin-based and glass ionomer sealants.

(5) When multiple Local SDSPs request to serve the same school, the Program will determine which Local SDSP will provide the services. The Program will consult with applicable Local SDSPs, CCOs and schools involved. This collaboration will ensure access and minimize the duplication of services. The consultation will include topics such as, but not limited to:

- (a) Certification status of each Local SDSP;
 - (b) Staffing capacity of each Local SDSP;
 - (c) Capacity of each Local SDSP to serve additional grade levels or provide more oral health services;
 - (d) Ability of each Local SDSP to provide students with referrals for further dental treatment; and
 - (e) Existing relationships with schools.
- (6) A Local SDSP must ensure Medicaid encounters for dental sealants are entered into the Medicaid system. The Program shall provide Local SDSPs with a CCO contact list.
- (7) A Local SDSP shall first provide services at elementary and middle schools where:
- (a) 40 percent or greater of all students attending the school are eligible to receive assistance under the United States Department of Agriculture's National School Lunch Program (NSLP); or
 - (b) The school has been approved for the Community Eligibility Program (CEP); or
 - (c) The school is located in a dental care health professional shortage area (HPSA).
- (8) A Local SDSP must offer, at a minimum, dental sealant services to all students regardless of insurance status or ability to pay as follows:
- (a) For elementary school, students in first and second grades or second and third grades.
 - (b) For middle school, students in sixth and seventh grades or seventh and eighth grades.
- (9) Local SDSPs must comply with all applicable federal and state antidiscrimination laws and rules.
- (10) A Local SDSP must develop and implement a plan to increase parental/guardian permission return rates to receive dental sealant services.
- (11) A Local SDSP must adhere to these standards for school dental sealant programs:
- (a) Dental sealant services must be primarily provided on school grounds during normal course instruction hours;
 - (b) A medical history is required on the parent/guardian permission form;
 - (c) Use the four-handed technique to apply sealants in elementary schools. The second provider does not need to be a dental professional. Volunteers and non-dental professionals must receive training and be proficient in IPC guidelines, equipment operation, confidentiality and security guidelines, all aspects of providing dental sealants in a school setting, and internal policies and procedures;
 - (d) Use the two-handed technique using an Isolite or equivalent Program approved device or the four-handed technique to apply sealants in middle and high schools when providing non-AGH;
 - (e) Apply resin-based or glass ionomer sealants according to manufacturer guidelines; and
 - (f) Use compressor and suction capabilities at all times except in rare situations as determined by the provider's professional judgment or as required during a declared state of emergency or public health emergency.
- (12) A Local SDSP must comply with all scope of practice laws as determined by the Oregon Board of Dentistry.
- (13) A Local SDSP must comply with Oregon Board of Dentistry oral health screening guidelines for screening and reporting results to parents/guardians.
- (14) A Local SDSP must comply with IPC guidelines established in OAR 818-012-0040 and by Oregon OSHA and the CDC. The Program will provide Local SDSPs with a guidance document.
- (15) A Local SDSP must comply with HIPAA and FERPA requirements.
- (16) A Local SDSP must respect classroom time and limit demands on school staff. Services must be delivered efficiently to ensure a student's time out of the classroom is minimal.
- (17) A Local SDSP must conduct retention checks, from one school year to the next school year, for quality assurance and meet the national benchmark of 80 percent or higher. If a Local SDSP does not meet the benchmark, then the Local SDSP must develop and implement a plan to increase its annual retention rates. The plan must be submitted to the Program. During a declared state of emergency or public health emergency, the Program may waive retention checks and reporting.

(18) A Local SDSP must submit a data report to the Program annually. The information required to be included in such data report will be defined by the Program. Aggregate-level data will be required for each school.

(19) A Local SDSP must include the certification logo provided by the Program on all parent/guardian permission forms and written communication to schools or provide schools with a letter provided by the Program indicating the Local SDSP is certified.

Note: The Program guidance document referenced in section (14) of this rule will be located at this website: www.healthoregon.org/sealantcert.

Statutory/Other Authority: ORS 431A.725

Statutes/Other Implemented: ORS 431A.725

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333-028-0330

Local School Dental Sealant Programs: Certification and Recertification Process

(1) Certification by the Authority is required before dental sealants may be provided in a school setting.

(2) Only an individual with authority to act on behalf of the Local SDSP can apply for initial certification by submitting an online Certification Application form to the Authority that is posted on the Program's website, www.healthoregon.org/sealantcert. Instructions and criteria for submitting a Certification Application form are posted on the Program's website.

(3) The Program shall review the application in approximately 15 business days of receiving the application to determine whether it is complete.

(4) If the Program determines the application is not complete, it will be returned to the applicant for completion and resubmission.

(5) If the Program determines the application is complete, it will be reviewed to determine if it meets certification requirements described in OAR 333-028-0320.

(6) If the Program determines the Local SDSP meets the certification requirements, the Program shall:

(a) Inform the applicant via electronic mail that the application has been approved; and

(b) Schedule on-site verification reviews.

(7) If a Local SDSP does not meet certification requirements in their certification application, the Program shall choose one of the following two actions:

(a) Certification will be denied if the Local SDSP does not meet the requirements of these rules. The Program will provide the applicant with a clear description of reasons for denial based on the certification requirements in the denial letter. An applicant may request that the Program reconsider the denial of certification. A request for reconsideration must be submitted in writing to the Program within 30 days of the date of the denial letter and must include a detailed explanation of why the applicant believes the Program's decision is in error along with any supporting documentation. The Program shall inform the applicant in writing whether it has reconsidered its decision; or

(b) Provisional certification may be provided based on an agreed upon timeline for a corrective action plan for the non-compliant requirements. The Local SDSP must submit a waiver to the Program that includes an explanation of the non-compliant requirements, a plan for corrective action, and a date for meeting compliance.

(8) Once a Local SDSP is certified, the certification status is effective for the certification year of August 1 – July 31. A Local SDSP must notify the Program and CCOs operating in the community if it terminates services for a scheduled school during a certification year. During a declared state of emergency or public health emergency, the Program may waive notification if services for a scheduled school are terminated.

(9) To remain certified, a certified Local SDSP must renew its certification no later than July 15 each year via the Program's online Renewal Certification Application form that is posted on the Program's website, www.healthoregon.org/sealantcert. Instructions and criteria for submitting a Renewal Certification Application form is posted on the Program's website. A Local SDSP must submit a completed annual data report that is approved by the Program before applying for renewal certification.

(10) The Program will notify a Local SDSP of their certification renewal status once the annual data report and Renewal Certification Application form are reviewed by the Program.

(11) The Program will provide CCOs with a list of certified Local SDSPs and the schools they serve, or that the Local SPSPs have requested to serve, twice during the school year.

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333-028-0340

Local School Dental Sealant Programs: Verification

(1) The Program shall conduct on-site verification review of each approved Local SDSP. A representative sample of schools being served by the certified program will be reviewed each certification year.

(2) The Program will work with a Local SDSP to schedule a verification review. A Local SDSP will have at least 20 days advance notice before a review will occur. The Program shall schedule verification reviews earlier in the school year with newly certified Local SDSPs, Local SDSPs with new staff, and Local SDSPs that have had deficiencies during their last verification review.

(3) A Local SDSP must coordinate with the Program to access the school and staff operating the sealant program on the verification review date.

(4) The verification review must include, but is not limited to:

(a) Review of documents, policies and procedures, and records;

(b) On-site observation and review of dental sealant placement techniques;

(c) On-site observation and review of IPC practices; and

(d) On-site observation of the client environment and physical set-up of the clinical and administrative areas.

(5) Following a verification review, Program staff may conduct an exit interview with the Local SDSP representative(s). During the exit interview Program staff shall:

(a) Inform the Local SDSP representative(s) of the preliminary findings of the review; and

(b) Give the Local SDSP representative(s) 10 working days to submit additional facts or other information to the Program staff in response to the findings.

(6) Within 30 business days of the on-site visit, Program staff must prepare and provide the Local SDSP with a written report of the findings from the on-site review.

(7) If no certification deficiencies are found during the review, the Program shall issue written findings to the Local SDSP indicating no deficiencies were found.

(8) If certification deficiencies are found during the on-site review, the Program may take action in compliance with OAR 333-028-0350.

(9) At any time, a Local SDSP may request an administrative review of compliance, which includes one on-site visit. The review will be considered a "no penalty" review with the exception of gross violation or negligence that may require temporary suspension of services.

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333-028-0350

Local School Dental Sealant Programs: Compliance

(1) A Local SDSP must notify the Program within 10 business days of any change that brings the Local SDSP out of compliance with the certification requirements. A Local SDSP must submit a waiver to the Program that includes:

- (a) Explanation of the non-compliant requirement;
- (b) Plan for corrective action; and
- (c) Date for compliance.

(2) The Program will review the waiver request and inform the Local SDSP of approval or denial of the waiver within 10 business days of submission. Services may be provided until the Local SDSP has been notified of its waiver request.

(3) If the waiver is approved, the Local SDSP will be provided provisional certification and must comply with certification requirements by the proposed date of compliance.

(4) If a waiver is denied; a Local SDSP does not come into compliance by the date of compliance stated on the waiver; or a Local SDSP is out of compliance with certification requirements and has not submitted a waiver, the Program, in its discretion, shall:

- (a) Require the Local SDSP to complete an additional waiver with an updated plan for corrective action and updated date for compliance;
- (b) Require the Local SDSP to complete a waiver to satisfy the requirements in section (1) of this rule;
- (c) Issue a written warning with a timeline for corrective action; or
- (d) Issue a letter of non-compliance with the notification of a suspension or decertification status.

The Program will notify the CCO operating in the community and Local SDSP schools that a Local SDSP has been suspended or decertified. Dental sealants may not be provided in the school until the Local SDSP is certified.

(5) A Local SDSP that had been decertified may be reinstated after reapplying for certification.

(6) A Local SDSP with suspended certification status may have its suspension lifted once the Program determines that compliance with certification requirements has been satisfactorily achieved. The Program will notify the CCOs operating in the community and schools that the Local SDSP's suspension has been lifted and that dental sealants may now be provided in the school.

(7) If there are updates to the current rules that require a Local SDSP to make any operational changes, the Program will allow the Local SDSP until the beginning of the next certification year or a minimum of 90 days to come into compliance. This does not apply to rules amended during a declared state of emergency or public health emergency, or where the rule explicitly states a Local SDSP must comply immediately.

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333-028-0395

Local School Dental Sealant Programs: COVID-19 Certification Requirements

To be certified, or to continue certification, a Local SDSP must immediately comply and meet the requirements in this rule to address COVID-19:

(1) A Local SDSP must implement and comply with Oregon OSHA's OAR 437-001-0744 titled "Rule Addressing COVID-19 Workplace Risks" as long as it is in effect.

(2) A Local SDSP must implement and comply with the CDC's "Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 (COVID-19) Pandemic."

(3) A Local SDSP must have a written policy to comply with OAR 333-019-1010 titled "COVID-19 Vaccination Requirement for Healthcare Providers and Healthcare Staff in Healthcare Settings."

Note: The Program's temporary rule addressing COVID-19 is only effective for 180 days. To extend these protections regarding COVID-19, the Program adopted this rule using normal permanent rulemaking processes. However, the Program will reevaluate the needs for this rule as the COVID-19 pandemic develops and may take action to repeal part or all of the rule as appropriate as new information and developments occur in the pandemic. In addition, a Local SDSP is not required to comply with the Oregon OSHA rule if Oregon OSHA repeals the rule.

Note: The CDC guidance document referenced in section (2) of this rule is located at the CDC website at <https://www.cdc.gov/OralHealth/index.html> or is available upon request from the Program.

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