

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking accompanies this form.

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ARCHIVES DIVISION
SECRETARY OF STATE

Oregon Health Authority, Public Health Division
Agency and Division

333
Administrative Rules Chapter Number

Amend Certification Requirements for Local School Dental Sealant Programs

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Permanently amending ORS 333-028-0320 pertaining to the Certification Requirements section of the Certification for Local School Dental Sealant Programs rules in chapter 333, division 28.

Statutory Authority:

ORS 431A.725

Other Authority:

Statutes Implemented:

ORS 431A.725

Need for the Rule(s):

The Oregon Health Authority (OHA), Public Health Division, Oral Health Program is proposing to permanently amend administrative rule 333-028-0320, "Certification Requirements" in chapter 333, division 28 "Certification for Local School Dental Sealant Programs" to clarify certification requirements in sections (4) and (6). These proposed changes are clarifications only and not a change to the existing rule.

Proposed changes to certification requirement section (4):

The word "all" is being deleted from the rule. OHA did not intend for local school dental sealant programs to go beyond the coordinated care organization (CCO) model of care to serve the Medicaid population. A small percentage of Oregon Health Plan members receive dental care outside of a CCO dental care arrangement, either in dental-only managed care or through the fee-for-service delivery system. Since local school dental sealant programs cannot contract directly with OHA to serve the fee-for-service population, the word "all" is being removed.

The language "for dental sealants" is being added after "encounters" to provide further clarification that OHA only has oversight of dental sealant services and no other oral health services such as screenings, fluoride varnish, teeth cleanings, etc.

Proposed changes to certification requirement section (6):

The language "screening and" is being deleted from the rule to provide further clarification that OHA only has oversight of dental sealant services and no other oral health services. OHA does not want any confusion around the rules for required certification for local school dental sealant programs (OAR 333-028-0300 - 333-028-0350) and the rules the Oregon Department of Education finalized for dental screening certification (OAR 581-021-0017).

The language "with parental/guardian permission" is being deleted from the rule since there are other statutes that define which oral health services require parental/guardian permission.

Documents Relied Upon, and where they are available:

ORS chapter 431A: https://www.oregonlegislature.gov/bills_laws/ors/ors431A.html

SB 660 (Oregon Laws 2015, chapter 791)

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB660/Enrolled>

HB 2972 (Oregon Laws 2015, chapter 558)

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2972/Enrolled>

OAR 581-021-0017 Dental Screening Certification

http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_581/581_021.html

Fiscal and Economic Impact:

The intent of the proposed rule amendment is to clarify two certification requirements, sections (4) and (6) of OAR 333-028-0320, for local school dental sealant programs. There is no direct fiscal or economic impact from the proposed rule amendment to the public.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

There is no cost of compliance impact to state agencies, units of local government or the public as a result of the proposed rule amendment.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

A small number of small businesses would be subject to the proposed rule amendment. Most local school dental sealant programs are operated by larger organizations such as dental care organizations, federally qualified health centers, and non-profits. Private practice dentists that operate a local school dental sealant program would be considered a small business. We are currently only aware of one private practice dentist operating a local school dental sealant program. We cannot estimate exactly how many there are, but there is the potential for more private practice dentists to operate a local school dental sealant program and therefore need to comply with the certification requirements and proposed rule amendment.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional reporting, recordkeeping, professional services or other administrative activities will be required for compliance with the proposed rule amendment.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional supplies, labor or administrative oversight will be required for compliance with the proposed rule amendment.

How were small businesses involved in the development of this rule?

Small businesses were not involved with the proposed rule amendment since a Rule Advisory Committee (RAC) was not consulted.

Small businesses were also not involved in the development of the original rules (ORS 333-028-0300 - 333-028-0350) because no small business representatives applied to participate on the RAC. An invitation to apply for the RAC was sent to over 100 people and over the Oregon Oral Health Coalition's listserv.

Administrative Rule Advisory Committee consulted?:No

If not, why?:

The proposed rule amendments are for clarification purposes only and not a change to existing rule. The proposed changes do not have a substantive effect on clients.

<u>10-24-2016 5:00 p.m.</u>	<u>Brittany Sande</u>	<u>brittany.a.sande@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address