

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

**DIVISION 28**

**SCHOOL-BASED HEALTH PROGRAMS**

**School-Based Health Center Program**

[OAR 333-028-0200 – 333-028-0280]

**Certification for Local School Dental Sealant Programs**

**333-028-0300**

**Purpose**

(1) The Oral Health Program supports communities in improving the oral health of the school-age population through evidence-based best practice 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-based dental sealant programs are evidence-based best practices with strong evidence of effectiveness in preventing tooth decay among children.

(2) These rules (OAR 333-028-0300 through 333-028-0350) establish the procedure and criteria the Oregon Health Authority shall use to certify, train, suspend, decertify, and monitor and collect data from Local School Dental Sealant Programs. 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.

Stat. Auth.: OL 2015, ch. 791

Stats. Implemented: OL 2015, ch. 791

**333-028-0310**

**Definitions**

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

(2) "Certification" means the Local School Dental Sealant Program has been authorized by the Oregon Health 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.

(3) "Certification training" is a mandatory one-time training for Local School Dental Sealant Programs provided by the Program that must be taken before an application for certification is submitted. Training topics shall include:

- (a) Research and evidence-based practices;
- (b) Utilizing hygienists and dental assistants;
- (c) Cultural competency and health literacy;
- (d) Recruiting and working with schools;
- (e) Providing services in a school setting;
- (f) Equipment and supplies needed;
- (g) Protocols for quality;

- (h) Data collection and reporting; and
  - (i) Continuous quality improvement.
  - (4) "Certification year" means a one-year period beginning on August 1 and ending on July 31.
  - (5) "Clinical training" is an annual training provided by the Local School Dental Sealant Program or Program to update skills in determining the need for and appropriateness of dental sealants, and sealant application techniques.
  - (6) "Local School Dental Sealant Program" is an entity outside of the Oregon Health Authority where dental sealants are one of the services being provided in a school setting. Only Local School Dental Sealant Programs, and not individual dental hygienists, can be certified.
  - (7) "Program" means the Oregon Health Authority, Public Health Division, Oral Health Program.
  - (8) "Recertification" means the Local School Dental Sealant Program has been authorized by the Oregon Health Authority to operate in a school setting for the next certification year.
- Stat. Auth.: OL 2015, ch. 791  
Stats. Implemented: OL 2015, ch. 791

### **333-028-0320**

#### **Certification Requirements**

To be certified, a Local School Dental Sealant Program must meet all requirements for certification.

- (1) A representative responsible for coordinating and implementing the Local School Dental Sealant Program must attend a one-time certification training provided by the Program. If the Local School Dental Sealant Program experiences personnel changes that impact the representative responsible for coordinating and implementing the Local School Dental Sealant Program, 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 utilized by the Local School Dental Sealant Program must acknowledge the Program on such templates or materials.
- (2) A Local School Dental Sealant Program must provide an annual clinical training to all 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 School Dental Sealant Program develops and implements its own training.
  - (b) A Local School Dental Sealant Program sends their providers to an annual training provided by the Program.
- (3) Before initially contacting any school to offer services, a Local School Dental Sealant Program must contact the Coordinated Care Organizations (CCOs) operating in the community. In consultation with the Program, the CCO will determine which Local School Dental Sealant Program is best able to provide services. A CCO must contact the Program before any decision is made. This collaboration will ensure access and minimize the duplication of services. Priorities should be given to the most cost-effective dental sealant delivery model that meets certification requirements. Existing relationships with schools and providers should be considered when multiple delivery models meet requirements. The Program will provide the CCOs with a list of school dental sealant programs and the schools they serve from the Certification Application and Renewal Certification Application forms.
- (4) A Local School Dental Sealant Program must ensure all Medicaid encounters are entered into the Medicaid system.

- (5) A Local School Dental Sealant Program shall first target elementary and middle schools where 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.
- (6) A Local School Dental Sealant Program must offer, at a minimum, screening and dental sealant services to students with parental/guardian permission regardless of insurance status, race, ethnicity or socio-economic status in these grade levels:
  - (a) Elementary school students in first and second grades or second and third grades; and
  - (b) Middle school students in sixth and seventh grades or seventh and eighth grades.
- (7) A Local School Dental Sealant Program must develop and implement a plan to increase parental/guardian permission return rates.
- (8) A Local School Dental Sealant Program must adhere to these standards for school dental sealant programs:
  - (a) Dental equipment must be used on school grounds during school 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;
  - (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; and
  - (e) Apply resin-based sealants.
- (9) A Local School Dental Sealant Program must comply with all scope of practice laws as determined by the Oregon Board of Dentistry.
- (10) A Local School Dental Sealant Program must comply with Oregon Board of Dentistry oral health screening guidelines.
- (11) A Local School Dental Sealant Program must comply with infection control guidelines established in OAR 818-012-0040.
- (12) A Local School Dental Sealant Program must comply with the Health Insurance Portability and Accountability Act (HIPAA) and Federal Educational Rights and Privacy Act (FERPA) requirements.
- (13) A Local School Dental Sealant Program must respect classroom time and limit demands on school staff. Services must be delivered efficiently to ensure a child's time out of the classroom is minimal.
- (14) A Local School Dental Sealant Program must conduct retention checks at one year for quality assurance.
- (15) A Local School Dental Sealant Program 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.
- (16) A Local School Dental Sealant Program 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 School Dental Sealant Program is certified.

Stat. Auth.: OL 2015, ch. 791

Stats. Implemented: OL 2015, ch. 791

### **333-028-0330**

#### **Certification and Recertification Process**

- (1) Only an individual with legal authority to act on behalf of the Local School Dental Sealant Program can apply for initial certification by submitting a Certification Application to the

Authority via electronic mail to the Program's electronic mail address posted on the Program's website or by mail to the mailing address posted on the Program's website, [www.healthoregon.org/sealantcert](http://www.healthoregon.org/sealantcert). Instructions and criteria for submitting a Certification Application is posted on the Program's website.

(2) The Program shall review the application within 15 days of receiving the application to determine whether it is complete.

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

(4) 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.

(5) If the Program determines the Local School Dental Sealant Program meets the certification requirements, the Program shall:

(a) Inform the applicant in writing that the application has been approved; and

(b) Schedule on-site verification reviews.

(6) If a Local School Dental Sealant Program 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 School Dental Sealant Program 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 will be provided based on an agreed upon timeline for a corrective action plan for the non-compliant requirements. The Local School Dental Sealant Program must submit a waiver to the Program that includes an explanation of the non-compliant requirements, a plan for corrective action, and date for meeting compliance.

(7) Once a Local School Dental Sealant Program is certified, the certification status is effective for the certification year of August 1 – July 31. A Local School Dental Sealant Program must notify the Program and Coordinated Care Organizations (CCOs) operating in the community if it terminates services for a scheduled school during a certification year.

(8) A certified Local School Dental Sealant Program must renew its certification no later than July 15 each year via the Program's online Renewal Certification Application form in order to remain certified. A Local School Dental Sealant Program must submit the annual data report to the Program before applying for renewal certification.

(9) The Program will notify a Local School Dental Sealant Program of their certification renewal status by August 1 of each year.

(10) The Program will notify Coordinated Care Organizations (CCOs) operating in the community of the certification and recertification status of a Local School Dental Sealant Program.

Stat. Auth.: OL 2015, ch. 791

Stats. Implemented: OL 2015, ch. 791

### **333-028-0340**

#### **Verification**

- (1) The Program shall conduct on-site verification review of each approved Local School Dental Sealant Program. 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 School Dental Sealant Program to schedule a verification review. A Local School Dental Sealant Program will have at least 20 days advance notice before a review will occur.
- (3) A Local School Dental Sealant Program 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) Review of techniques used while providing dental sealants;
  - (c) Review of infection control practices; and
  - (d) On-site observation of the client environment and physical set-up.
- (5) Following a review, Program staff may conduct an exit interview with the Local School Dental Sealant Program representative(s). During the exit interview Program staff shall:
  - (a) Inform the Local School Dental Sealant Program representative(s) of the preliminary findings of the review; and
  - (b) Give the Local School Dental Sealant Program representative(s) 10 working days to submit additional facts or other information to the Program staff in response to the findings.
- (6) Within four weeks of the on-site visit, Program staff must prepare and provide the Local School Dental Sealant Program 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 School Dental Sealant Program 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 School Dental Sealant Program 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.

Stat. Auth.: OL 2015, ch. 791

Stats. Implemented: OL 2015, ch. 791

### **333-028-0350**

#### **Compliance**

- (1) A Local School Dental Sealant Program must notify the Program within 10 working days of any change that brings the Local School Dental Sealant Program out of compliance with the certification requirements. A Local School Dental Sealant Program 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 School Dental Sealant Program of approval or denial of the waiver within 10 working days of submission. Services may be provided until the Local School Dental Sealant Program has been notified of its waiver request.

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

(a) Require the Local School Dental Sealant Program to complete an additional waiver with an updated plan for corrective action and updated date for compliance;

(b) Require the Local School Dental Sealant Program 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 School Dental Sealant Program schools that a Local School Dental Sealant Program has been suspended or decertified. Dental sealants may not be provided in the school until the Local School Dental Sealant Program is certified.

(5) A Local School Dental Sealant Program that had been decertified may be reinstated after reapplying for certification.

(6) A Local School Dental Sealant Program 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 Coordinated Care Organizations (CCOs) operating in the community and schools that the Local School Dental Sealant Program'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 School Dental Sealant Program to make any operational changes, the Program will allow the Local School Dental Sealant Program until the beginning of the next certification year or a minimum of 90 days to come into compliance.

Stat. Auth.: OL 2015, ch. 791

Stats. Implemented: OL 2015, ch. 791