

LEGAL BASIS FOR THE SCHOOL DENTAL HEALTH PROGRAM

The legal basis for the school dental health program is defined in state law, Article 14 of the Pennsylvania Public School Code of 1949, and state regulation, Title 28 PA, Chapter 23 of the Pennsylvania Code.

CARE AND TREATMENT OF PUPILS:

Article 14 of the Public School Code of 1949:

§ 14-1414 Care and treatment of pupils

Any school district or joint school board may provide for the care and treatment of defective eyes, ears and teeth of all children of school age within the district.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.78 Coordinate the school health program with community programs

School nurses shall work with school health councils and community groups to coordinate the school health program with community health programs and to develop needed health services. This includes work with private physicians, dentists, and dental hygienists to coordinate private medical and dental examinations with the school program.

§ 23.71 Assist in health program and examining

- (a) School nurses shall assist the school administrator and the school physicians and dentists in planning and organizing the school health program and shall encourage parents to have the required medical and dental examinations done by their family physicians and family dentists.
- (b) School nurses shall schedule physical and dental examinations conducted in the school, assist at examinations, and arrange for special tests, examinations and immunization programs included in the school program for health services.

DENTAL PROGRAMS AND DENTAL EXAMINATIONS:

Article 14 of the Public School Code of 1949:

§ 14-1403 Dental examinations and dental hygiene services

- (a) [Mandated Dental Program] All children of school age, in the Commonwealth, (i) upon original entry into the school, (ii) while in the third grade, and (iii) while in the seventh grade, shall be given a dental examination by a school dentist: Provided, however, That this requirement shall not apply to those school districts or joint school boards which have instituted a program of dental hygiene services as provided in subsection (b) of this section.
- (b) [Dental Hygiene Services Program] Any school district or joint school board may institute a program of dental hygiene services for children of school age, which program shall be approved by the Secretary of Health, and for that purpose may employ dental hygienists.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.3 Dental examinations

- (a) Dental examinations shall be required on original entry into school and in grades three and seven. In instances where there are kindergartens in some schools of a district and not in others, the board or joint board may decide whether medical and dental examinations shall begin in the first grade or in the kindergarten.
- (b) Children transferred from other school systems shall be examined as soon as possible after the transfer regardless of their age or grade if an adequate dental record is not made available by the original school.

Article 14 of the Public School Code:

§ 14-1405 **Assistance; presence of parents**

Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or a trained assistant. Parents or guardians of children of school age shall be advised in advance of the date of examination

§ 14-1404 **Place of examination, use of hospital facilities**

The school physician and school dentist shall conduct medical, dental and other examinations in rooms set aside for this special purpose and equipped with adequate facilities and with such other accessories as may be required by the Secretary of Health for the thorough examination of children. . . . If facilities in schools are inadequate for conducting medical, dental and other examinations, the school districts or joint school boards and private schools may, subject to the approval of the Secretary of Health, make arrangements for the use of laboratories and facilities of hospitals or clinics for examinations herein provided for.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.3 (c) Dental examinations shall be conducted with sufficient care and detail to command dental respect and to provide an educational experience for the child and his parents. Examinations shall be scheduled so that an average of no more than eight children are examined in an hour.

DENTAL EXAMINERS OF OWN CHOICE:

Article 14 of the Public School Code:

§ 14-1407 **Examinations by examiners of own choice**

In lieu of the medical or dental examinations prescribed by this article, any child of school age may furnish the local school officials with a medical or dental report of examination made at his own expense by his family physician or family dentist on a form approved by the Secretary of Health for this purpose. The in lieu examinations shall be made and the report shall be furnished prior to the date fixed for the regularly scheduled examination but no earlier than four months prior to the opening of the school term during which the regular examination is scheduled.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.3 **Dental examinations**

(d) The school dental examination may be conducted by the family dentist and reported to the school on forms supplied by the school. Administrators are urged to have as many children examined privately as possible to provide for continuity in the dental care of the child. Payment for these examinations shall be the responsibility of the parent; however, children examined privately shall be counted as part of the enrollment for reimbursement purposes as provided in § 23.24 (relating to maximum reimbursement for dental services).

SCHOOL RESPONSIBILITIES:

(1) **DENTAL RECORDS**

Article 14 of the Public School Code:

§ 14-1402 (b) For each child of school age, a comprehensive health record shall be maintained by the school district or joint school board, which shall include the results of the tests, measurements and regularly scheduled examinations and special examinations herein specified.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.8 **Maintenance of medical and dental records**

(a) School districts and joint school boards shall maintain comprehensive medical and dental records of each individual child.
(b) The records shall contain all the information the school obtains concerning the health of the child.

(2) SPECIAL RECOMMENDATIONS

Article 14 of the Public School Code:

§ 14-1402 (d) All teachers shall report to the school nurse or school physician any unusual behavior, changes in physical appearance, changes in attendance habits and changes in scholastic achievement, which may indicate impairment of a child's health. The nurse or school physician or school dentist may, upon referral by the teacher or on his own initiative, advise a child's parent or guardian of the apparent need for a special medical or dental examination. If a parent or guardian fails to report the results to the nurse or school physician, the nurse or school physician shall arrange a special medical examination for the child.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.11 **Special examinations**

Children who appear to the school teacher, nurse, physician, dentist or dental hygienist to deviate from their normal growth and development pattern shall be reported to the parents or guardians who shall be requested to have the children examined by their family physician or family dentist. The results of these examinations shall be reported to the school. If the children are not examined within a reasonable length of time and their growth and development pattern continues to deviate from normal, the nurse, school physician, school dentist or dental hygienist shall arrange special school examinations for these children.

AUTHORITY: DEPARTMENTS OF HEALTH AND EDUCATION

Article 14 of the Public School Code:

§ 14-1408 **Reports**

Every school district of the Commonwealth or school districts jointly, school physicians, school dentists and school nurses, shall file with the Secretary of Health and/or the Superintendent of Public Instruction such reports as required by the regulations of the two departments.

§ 14-1421 **Powers and duties of the Secretary of Health and of the Superintendent of Public Instruction; rules and regulations**

(a) The technical content of the medical, dental, nursing and sanitary portions of the school health program shall be prescribed by and under the general direction of the Secretary of Health who shall--

1. Approve all appointments of school physicians and school dentists and prescribe their duties and formulate and prescribe standards for medical technicians and sanitary officers for employment in the school health program.
2. Suggest or recommend to the State Board of Education standards of qualification for school nurses and dental hygienists for employment by a school district or joint school board in the school health services program and advise school administrators on matters connected with carrying out the school health program.

(b) The administration and supervision of the educational and teaching aspects of the program shall be the responsibility of the Superintendent of Public Instruction who shall--

1. Approve certification of school nurses and dental hygienists for employment by a school district or joint school board and administer and direct their services and program: Provided, That the services of school nurses and dental hygienists shall be utilized exclusively in connection with medical and dental examinations and associated health activities.
2. Advise the Secretary of Health and school physicians and school dentists on matters pertaining to the educational impact of the school health services program.

(c) The Secretary of Health and the Superintendent of Public Instruction, after consultation, shall--

1. Adopt such records and report forms as will facilitate the efficient operation, administration and comprehensive evaluation of the school health program.
2. Adopt and enforce rules and regulations for the school health program not inconsistent with the provisions of this act.

SCHOOL HEALTH PERSONNEL

Article 14 of the Public School Code:

§ 14-1410 Employment of school health personnel

Except as otherwise provided in this article, all school districts alone or jointly with other districts or joint school boards shall employ school physicians and school dentists but only with the approval of the Secretary of Health, and shall compensate them on a basis agreed upon by the school physician or school dentist and the employing district or joint school board, and shall employ one or more school nurses. Health officers of municipalities may be appointed as school physicians by school districts or joint school boards. For special examinations recommended by school physicians, school districts or joint school boards may engage the services of ophthalmologists or other licensed medical specialists or of optometrists. Any school district alone or jointly with other districts or joint school boards may employ dental hygienists and such other technical and clerical personnel as are necessary to carry out the provisions of this article.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.71 Assist in health program and examining

- (a) School nurses shall assist the school administrator and the school physicians and dentists in planning and organizing the school health program and shall encourage parents to have the required medical and dental examinations done by their family physicians and family dentists.
- (b) School nurses shall schedule physical and dental examinations conducted in the school, assist at examinations, and arrange for special tests, examinations and immunization programs included in the school program for health services.

SCHOOL DENTIST:

Article 14 of the Public School Code:

§ 14-1401 Definitions

(5) "SCHOOL DENTIST" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been appointed or approved by the Secretary of Health.

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.33. School dentists

- (a) *Qualifications.* A school dentist shall be a doctor of dental surgery or dental medicine legally qualified to practice dentistry in this Commonwealth.
- (b) *Employment.* School districts alone or with other districts or joint school boards shall employ school dentists and shall compensate them on a basis agreed upon by the school dentist and the employing district or joint school board. Compensation may not be less than \$6 per hour. Appointments shall be approved by the Department of Health. School districts shall submit to the regional dental officer the names of school dentists for approval by the Department of Health.
- (c) *Duties.* School dentists shall perform the required dental examinations. They shall also examine children referred to them by the administrator, teacher, dental hygienist, nurse or physician because of suspected dental disease. They shall also perform other duties as may be required by the board which are not inconsistent with the rules and regulations of the Department of Health.

FAMILY DENTIST

Article 14 of the Public School Code:

§ 14-1401 **Definitions**

(7) "FAMILY DENTIST" means a doctor of dental surgery or dental medicine legally qualified to practice dentistry in the Commonwealth, who has been designated by the parent or guardian as the personal dentist of the child.

DENTAL HYGIENIST

Article 14 of the Public School Code:

§ 14-1405 **Assistance; presence of parents**

Every school physician shall be assisted by a school nurse and every school dentist by a dental hygienist, if available, or a trained assistant. Parents or guardians of children of school age shall be advised in advance of the date of examination.

§ 14-1401 (9) "DENTAL HYGIENIST" means a dental hygienist licensed by the State Dental Council and Examining Board, who is assigned to a school district or joint school board or a dental hygienist licensed by the State Dental Council and Examining Board and certificated as a school dental hygienist by the Superintendent of Public Instruction, who is employed by a school district or joint school board as a dental hygienist. The employment of any dental hygienist employed by a school district or joint school board as a dental hygienist prior to the effective date of this act shall not be affected by a contract for school health services that may be entered into by any school district or joint school board under the provisions of this act.
(1401 repealed and added July 15, 1957, P.L.937, No.40)

Title 28 PA Code Health and Safety Chapter 23, School Health regulation:

§ 23.35 **Dental hygienists**

(a) *Qualifications.* A dental hygienist shall be licensed by the State Dental Council and Examining Board and be certified as a school dental hygienist by the Department of Education.

(b) *Employment.* Dental Hygienists shall be employed by a school district or joint school board.

(c) *Duties.* The duties of a dental hygienist shall be those exclusively performed in connection with school dental health activities and to include those preventive services as recommended by the Department of Health.

(1) CERTIFICATION

Note: State Board of Dentistry certification of Public Health Dental Hygiene Practitioners (PHDHPs) does not meet the requirement of PA Department of Education certification (CSPG No. 75) as cited in § 14-1401(9) of the Public School Code and § 23.35 of the School Health regulation.

Article 14 of the Public School Code

§ 14-1401 (9) "...certificated as a school dental hygienist by the Superintendent of Public Instruction" [PA Department of Education].

Title 28 PA Code Health and Safety Chapter 23, School Health regulation

§ 23.35 A dental hygienist shall be licensed by the State Dental Council and Examining Board and be certified as a school dental hygienist by the Department of Education.

PA Department of Education: Educational Specialist Certification, Certification Staffing Policies (CSPG) CSPG No. 75 **Certification Staffing Assignment Dental Hygienist**

“Districts are required only to employ certified school dental hygienists if they choose to implement a program of dental hygiene services in lieu of the mandated dental examination required in the Public School Code to occur upon original entry into school, in the third and seventh grades. The required examinations are to be administered by dentists. However, when a school district employs a dental hygienist, that individual must be certified. A dental hygienist may serve as a learning resource specialist during instruction in health classes when such instruction deals exclusively with the care and preservation of teeth, dental appliances, and dental hygiene.”

Title 49 PA Code Professional and Vocational Standards, Chapter 33, State Board of Dentistry regulation § 33.116 **Certification of public health dental hygiene practitioners**

Note: State Board of Dentistry certification does not meet the requirement for certification by the PA Department of Education.

TITLE 49 PA Code Professional and Vocational Standards, Chapter 33, State Board of Dentistry regulation:

§ 33.205 **Practice as a dental hygienist**

(a) *Scope of professional practice.* A dental hygienist may offer to perform or perform services that involve:

- (2) Periodontal probing, scaling, root planning, polishing or another procedure required to remove calculus deposits, accretions, excess or flash restorative materials and stains from the exposed surfaces of the teeth and beneath the gingiva.
- (3) Evaluation of the patient to collect data to identify dental hygiene care needs.
- (4) The application of fluorides and other recognized topical agents for the prevention of oral diseases.
- (5) Conditioning of teeth for and application of sealants.
- (6) Taking of impressions of the teeth for athletic appliances.

(b) *Prohibition against independent practice.* A dental hygienist is prohibited from establishing or maintaining an office or other workplace for the provision of dental hygiene services separate or independent from the office or other workplace in which the supervision of a dentist is provided.

(c) *Practice sites.* A dental hygienist may engage in professional practice at the following sites under the supervision of a dentist as required in subsection (d):

- (2) In public or private institutions such as schools, hospitals, public health care agencies, nursing homes, mobile health units and homes for juveniles, the elderly and the handicapped.

(d) *Supervision.*

(2) In subsection (c)(2) and (3) practice sites (public and private institutions and institutions under the jurisdiction of Federal, State or local health agencies), a dental hygienist shall provide professional services as follows:

- (ii) A dental hygienist may provide the professional services identified in subsection (a)(2)—(6) under the general supervision of a dentist. For the purposes of this paragraph, general supervision is defined as supervision by a dentist who authorizes and takes full professional responsibility for the provision of the services. A single authorization may, when appropriate, apply to one or more classes or categories of students/patients.

(4) Notwithstanding the supervision requirements in this subsection, a dental hygienist may provide oral health education and perform preliminary dental screenings in any setting without the supervision of a dentist.

EXPANDED FUNCTION DENTAL ASSISTANT

TITLE 49 PA Code Professional and Vocational Standards, Chapter 33, State Board of Dentistry regulation:

§ 33.205a Practice as an expanded function dental assistant

(c) *Supervision.* Expanded function dental assistants shall perform under the direct supervision of a dentist. Direct supervision means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant, and, before dismissal of the patient, personally evaluates the work performed by the expanded function dental assistant.

PUBLIC HEALTH DENTAL HEALTH PRACTITIONER

TITLE 49 PA Code Professional and Vocational Standards, Chapter 33, State Board of Dentistry regulation:

§ 33.1 DEFINITIONS

Public health dental hygiene practitioner—A licensed dental hygienist who is certified by the Board as having met the requirements of section 11.9 of the act (63 P. S. § 130j), and who is authorized to perform dental hygiene services in accordance with § 33.205b (relating to practice as a public health dental hygiene practitioner) without the authorization, assignment or examination of a dentist.

§ 33.205b Practice as a public health dental hygiene practitioner

(a) *Scope of professional practice.* A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(2)—(6) (relating to practice as a dental hygienist) in the practice settings identified in subsection (c) without the authorization, assignment or examination by a dentist. A public health dental hygiene practitioner may perform the dental hygiene services set forth § 33.205(a)(1) and (7) in accordance with § 33.205(d).

(b) *Requirement of referral.* A public health dental hygiene practitioner shall refer each patient to a licensed dentist on an annual basis. Documentation of the referral must be maintained in the patient's dental record. The failure of the patient to see a dentist as referred will not prevent the public health dental hygiene practitioner from continuing to provide dental hygiene services to the patient within the scope of professional practice set forth in subsection (a).

(c) *Practice settings.* A public health dental hygiene practitioner may perform dental hygiene services without the supervision of a dentist in the following practice settings:

(1) Public and private educational institutions that provide elementary and secondary instruction to school aged children under the jurisdiction of the State Board of Education, and in accordance with all applicable provisions of the Public School Code of 1949 (24 P. S. § § 1-101—27-2702.), the regulations relating to the certification of professional personnel in 22 Pa. Code Chapter 49 (relating to certification of professional personnel), and the regulations of the Department of Health in 28 Pa. Code § 23.35 (relating to dental hygienists).

(d) *Recordkeeping.* A public health dental hygiene practitioner shall maintain a dental record which accurately, legibly and completely reflects the dental hygiene services provided to the patient. The dental record must be retained for at least 5 years from the date of the last treatment entry. The dental record must include, at a minimum, the following:

- (1) The name and address of the patient and, if the patient is a minor, the name of the patient's parents or legal guardian.
- (2) The date dental hygiene services are provided.
- (3) A description of the treatment or services rendered at each visit.

- (4) The date and type of radiographs taken, if any, and documentation demonstrating the necessity or justification for taking radiographs, as well as the radiographs themselves.
- (5) Documentation of the annual referral to a dentist.

Note: State Board of Dentistry certification of Public Health Dental Hygiene Practitioners (PHDHPs) does not meet the requirement of PA Department of Education certification (CSPG No. 75) as cited in § 14-1401(9) of the Public School Code and § 23.35 of the School Health regulation.

§ 33.116 Certification of public health dental hygiene practitioners

- (a) *Application.* A licensed dental hygienist who desires to obtain certification as a public health dental hygiene practitioner shall submit an application on a form provided by the Board, pay the application fee prescribed in § 33.3 (relating to fees) and meet the qualifications for certification as prescribed in this section.
- (b) *Qualifications.* To qualify for certification as a public health dental hygiene practitioner, a dental hygienist shall:
 - (1) Hold a current license in good standing to practice as a dental hygienist in this Commonwealth.
 - (2) Provide to the Board a certification statement signed by a licensed dentist verifying that the dental hygienist has completed 3,600 hours of practice as a licensed dental hygienist under the supervision of the licensed dentist.
 - (3) Provide to the Board documentation demonstrating that the dental hygienist has obtained professional liability insurance or is a named insured covered by a group policy in the minimum amount of \$1,000,000 per occurrence and \$3,000,000 per annual aggregate. This documentation may include a certificate of insurance issued by the insurer, or a copy of the declarations page of the professional liability insurance policy.