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Food Safety Program Enhanced Enforcement Program

Overview:

In the interest of promoting a culture of food safety throughout the licensed food service operations (FSO) and retail food establishments (RFE) in Licking County, the Licking County Health Department (LCHD) has developed an Enhanced Enforcement Program (EEP) for its Food Safety Program. The goal of the EEP is to bring FSOs and RFEs with habitual and/or critical violations into compliance with the Ohio Uniform Food Safety Code.

Implementation:

The EEP was implemented on January 1, 2013.

Criteria for Inclusion for Standard Violations:

Facilities found with the same standard (non-critical) violation(s) during 3 consecutive inspections will be entered into the EEP. In most facilities 3 inspections will constitute a period of 18 months to correct the violation(s). The time period will be shorter for seasonal operations, however after 3 inspections they will have completed a minimum of 1 full operating period. After the third inspection with the same standard violation being present the sanitarian conducting the inspections will inform the operator a reinspection will occur within 14 days, and the inspection will be conducted by the Environmental Health Director along with the sanitarian. However, sanitarians will be afforded the use of professional judgement regarding these circumstances to determine if enough progress has been made to avoid an inspection being made by the EH Director. If the violation(s) are not corrected or if substantial progress has not been made to correct the violations at the time of the EH Director's inspection, the EH Director will inform the operator they will be requested to appear at an administrative review (AR) with the Health Commissioner. The operator will be notified a minimum of 24 hours in advance of the AR. The AR will provide the operator with an opportunity to inform the Health Commissioner of why they have not brought their facility into compliance. The operator will be asked to provide a realistic timeframe for when the facility will be brought into compliance, and they will be asked to sign a document agreeing to the timeframe. The sanitarian will conduct a follow up inspection in accordance with the agreed upon timeframe to determine if the facility has been brought into compliance. If the facility has corrected the violation(s) the sanitarian will document the inspection on an approved inspection form and inform the EH Director of the inspection results. If the facility has failed to correct the violations, the sanitarian will inform the EH Director and the EH Director will take the necessary steps to have a hearing in front of the Licking County Board of Health during their next regularly scheduled meeting. The operator will be notified a minimum of 24 hours in advance of the meeting. The Board will have the option of providing the operator with an opportunity to correct the violation(s) within a specified timeframe or suspending or revoking the facility's license based on their authority contained in the Ohio Revised Code Sections 3717.29 and 3717.49.

If the violation(s) that resulted in the facility being entered into the EEP are corrected prior to the AR, the AR will still be held as scheduled. This will provide the operator with an opportunity to indicate how the violation(s) was corrected and how they will be prevented in the future. If a facility reaches the point where they are requested to appear in front of the Board, the operator will still be requested to appear regardless if the violations have been corrected or not.

Criteria for Inclusion for Critical Violations:

Facilities found to have one or more critical violations during an inspection will be scheduled for a reinspection within 10 business days. The timeframe for the reinspection will be dependent upon the nature of the violation. If the same critical violation is observed during the reinspection, the facility will be entered into the EEP. However, sanitarians will be afforded the use of professional judgement regarding these circumstances to determine if enough progress has been made to avoid the facility being entered into the EEP. If progress hasn't been made, the EH Director will conduct a reinspection along with the sanitarian within the timeframe specified related to the specific critical violation. If the critical violation(s) are not corrected at the time of the EH Director's inspection, the EH Director will inform the operator they will be requested to appear at an administrative review (AR) with the Health Commissioner. The AR will provide the operator with an opportunity to inform the Health Commissioner of why they have not brought their facility into compliance. The operator will be asked to provide a realistic timeframe for when the facility will be brought into compliance, and they will be asked to sign a document agreeing to the timeframe. The sanitarian will conduct a follow up inspection in accordance with the agreed upon timeframe to determine if the facility has been brought into compliance. If the facility has corrected the violation(s) the sanitarian will document the inspection on an approved inspection form and inform the EH Director of the inspection results. If the facility has failed to correct the violations, the sanitarian will inform the EH Director and the EH Director will take the necessary steps to have a hearing in front of the Licking County Board of Health during their next regularly scheduled meeting. The operator will be notified a minimum of 24 hours in advance of the meeting. The Board will have the option of providing the operator with an opportunity to correct the violation(s) within a specified timeframe or suspending or revoking the facility's license based on their authority contained in the Ohio Revised Code Sections 3717.29 and 3717.49.

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Closure of a Facility Due to an Immediate Public Health Threat:

The Licking County Health Commissioner has been granted authority by the Licking County Board of Health to close a FSO and/or RFE if they are deemed to pose an immediate public health threat. This type of action will only be taken in extreme cases where a facility is offering unsafe food for human consumption or if a facility is in such a state where it cannot safely serve food for human consumption. If such a case is found to exist, the inspecting sanitarian will call the Health Commissioner immediately during their inspection. The Health Commissioner will determine if the facility is to be closed and if the food will be embargoed based on information provided by the sanitarian, by personally inspecting the facility, or having their designee conduct an inspection. The facility will be required to develop a plan of action to address the violations found during the inspection and the plan of action will need to be executed to the satisfaction of the Health Commissioner prior to the facility being able to reopen.

Evaluation:

All ARs will be documented through minutes taken by the attending sanitarian, as will any actions taken by the Board of Health. In addition, the final results of a facility's inclusion in the EEP will be tracked. All of these items will be reviewed by the EH Director and food safety program staff on annual basis. Any areas of the program found to be in need of improvement will be documented and improvement strategies will be developed and implemented.

Revision:

Revision	Date of Revision	Section Revised	Person Completing Revision
1	12/2012	Document Developed	Chad Brown
2	12/2012	Document Approved	Joe Ebel
3	10/2013	Document Reviewed	Chad Brown
4	10/2014	Document Reviewed	Chad Brown
5	6/2015	Document Reviewed	Chad Brown