



Licking County Health Department

675 Price Road Newark, OH 43055

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.

Criteria for Inclusion for Standard Violations:

Facilities found with the same standard (non-critical) violation(s) during 3 consecutive inspections will undergo a file review conducted by the EH Program Manager and the sanitarian. The Program Manager and sanitarian will review the inspection reports, discuss the violations and determine if the facility will be entered into the EEP. The determination of entering a facility in the EEP will be made on a case by case basis. If a facility is entered into the EEP, an action plan will be developed to bring the facility into compliance. The Program Manager may conduct the scheduled re-inspection 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 Program Manager. The operator will then be required to adhere to the developed action plan. If the operator does not comply with the developed action plan, then the Program Manager will schedule a re-inspection with the sanitarian. If the violation(s) are not corrected or if substantial progress has not been made to correct the violations at the time of the Program Manager's inspection, the Program Manager will inform the operator they will be requested to appear at an administrative review (AR) with the EH Director. 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 EH Director 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. The sanitarian or Program Manager will conduct a follow up inspection in accordance with the agreed upon timeframe to determine if the facility has achieved compliance. If the facility has corrected the violation(s), the sanitarian or Program Manager will document the inspection on an approved inspection form and inform the Program Manager and EH Director of the inspection results. If the operator does not comply or meet the requirements outlined during the EH Director's AR, then the Program Manager or sanitarian will schedule a re-inspection. If the facility has corrected the violation(s), the Program Manager or sanitarian will document the inspection on an approved inspection form and inform the EH Director of the inspection results. If the violation(s) are not corrected or if substantial progress has not been made to correct the violations at the time of the Program Manager's re-inspection, the Program Manager 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. The Program Manager will conduct a follow up inspection in accordance with the agreed upon timeframe, as outlined in the Health Commissioner's AR, to

determine if the facility has been brought into compliance. If the facility has corrected the violation(s) the Program Manager will document the inspection on an approved inspection form and inform the EH Director and Health Commissioner of the inspection results. If the facility has failed to correct the violations, the Program Manager will inform the EH Director, and the EH Director will take the necessary steps to schedule a hearing regarding the suspension or revocation of the facility's license with the Licking County Board of Health. The operator will be notified in accordance with the recommendations provided by the Licking County Prosecutor's Office, and the hearing will proceed in accordance with Chapter 119 of the Ohio Revised Code, and in accordance with any recommendations provided by the Prosecutor's Office.

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 of the date of the inspection. 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 sanitarian will consult with the Program Manager to determine if the facility will be entered in the EEP. The Program Manager and sanitarian will review the inspection reports, discuss the violation(s) and develop an action plan for the facility. The Program Manager may conduct the scheduled re-inspection with the sanitarian. However, sanitarians will be afforded the use of professional judgement regarding these circumstances. If the operator does not comply or meet the requirements of the developed action plan, the Program Manager will schedule a re-inspection with the sanitarian. If the violation(s) are not corrected or if substantial progress has not been made to correct the violations at the time of the Program Manager's inspection, the Program Manager will inform the operator they will be requested to appear at an administrative review (AR) with the EH Director. 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 EH Director 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. The Program Manager or 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 Program Manager or sanitarian will document the inspection on an approved inspection form and inform the EH Director of the inspection results. If the operator does not comply with the requirements outlined within the EH Director's AR, the Program Manager will schedule a re-inspection. If the facility has corrected the violation(s) the Program Manager will document the inspection on an approved inspection form and inform the EH Director of the inspection results. If the violation(s) are not corrected or if substantial progress has not been made to correct the violations at the time of the Program Manager's re-inspection, the Program Manager 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. The Program Manager or sanitarian will conduct a follow up inspection in accordance with the agreed upon timeframe, as outlined in the Health Commissioner's AR, to determine if the facility has been brought into compliance. If the facility has corrected the violation(s) the Program Manager or sanitarian will document the inspection on an approved inspection form and inform the EH Director and Health Commissioner of the inspection results. If the facility has failed to correct the violations, the sanitarian will inform the Program Manager who will inform the EH Director and the EH Director will take the necessary steps to schedule a hearing regarding the suspension or revocation of the facility's license with the Licking County Board of Health. The operator will be notified in accordance with the recommendations provided by the Licking County Prosecutor's

Office, and the hearing will proceed in accordance with Chapter 119 of the Ohio Revised Code, and in accordance with any recommendations provided by the Prosecutor's Office.

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.

The timeframes for reinspections related to critical violations will be more aggressive than the timeframes required for non-critical violations.

Facilities that are entered in the EEP multiple times, will start the enforcement process in the subsequent step in the process from when they were last entered into the program.

If a facility is found to have a systematic failure, and warrants inclusion in the EEP without a file review being necessary, the procedures noted above will be followed.

Increased Inspection Frequency:

Any facility that is entered in the EEP will have their inspection frequency increased from the required frequency contained in the Ohio Administrative Code. All facilities in the program will receive monthly inspections for a period of 6 months after the violations that resulted in the facility being entered in the program are corrected. If a facility maintains substantial compliance in the opinion of the sanitarian, Program Manager and EH Director for a period of 3 months, the inspection frequency may be returned to the required level by the EH Director.

Health Commissioner Suspension of FSO/RFE License:

The Licking County Health Commissioner has been granted authority by the Licking County Board of Health to suspend the license of an FSO and/or RFE if they are deemed present a clear and present danger to public health. This type of action will be taken in cases where a facility is offering food unsafe for human consumption or if a facility is in such a state where it cannot safely offer food for human consumption. If such a case is found to exist, the inspecting sanitarian will contact their immediate supervisor at the time of the inspection. At that point, the proper chain of command will be followed, and the Health Commissioner will be notified of the conditions. The Health Commissioner will determine if the facility's license is to be suspended and closed and if the food will be embargoed based on information provided by the sanitarian, Program Manager and/or EH Director. The Health Commissioner may personally inspect the facility prior to making the determination, or they may have their designee conduct the 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 consideration of lifting the suspension of the facility's license.

Evaluation:

All ARs will be documented through minutes taken by the Program Manager. Any actions taken by the Board of Health will be documented in the official meeting minutes. 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 Program Manager and food safety program staff on a monthly basis. Any areas of the program found to be in need of improvement will be documented and improvement strategies will be developed and implemented.