



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 non-critical violations during 3 consecutive inspections may forgo a file review depending on the nature of the violation(s). The EH Program Manager and Registered Environmental Health Specialist (REHS) will review the inspection reports, discuss the violations and develop an action plan for the facility. In most facilities, 3 inspections will constitute a period of 18 months to correct the violations. The time period will be shorter for seasonal operations; however, after 3 inspections they will have completed a minimum of 1 full operating period. If the developed action plan requires the facility to enter into the EEP, then the EH Program Manager may conduct the scheduled re-inspection with the REHS. However, REHSs will be afforded professional judgment regarding these circumstances to determine if enough progress has been made to avoid an inspection by the EH Program Manager. If the developed action plan does not entail entering the facility into the EEP, the REHS will notify the operator of the action plan developed during the file review via a letter summing the proposed action plan including deadlines. The operator will then be required to adhere to the developed action plan. If the operator does not comply or meet the requirements of the developed action plan, then the EH Program Manager will schedule a re-inspection with the REHS. 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 Program Manager's inspection, the EH Program Manager will inform the operator they will be requested to appear at an Administrative Review (AR) with the Director of Indoor Environmental Health & Quality. 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 Director of Indoor Environmental Health & Quality 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 REHS 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 violations the REHS will document the inspection on an approved inspection form and inform the EH Program Manager of the inspection results. If the operator does not comply or meet the requirements outlined within the Director of Indoor Environmental Health & Quality's AR, then the EH Program Manager will schedule a re-inspection with the REHS. If the facility has corrected the violations the EH Program Manager will document the inspection on an approved inspection form and inform the Director of Indoor Environmental Health & Quality 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 EH Program Manager's re-inspection, the EH Program Manager will inform the operator they will be requested to appear at an 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 REHS 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 REHS will document the inspection on an approved inspection form and inform the EH Program Manager of the inspection results. If the facility has failed to correct the violations, the REHS will inform the EH Program Manager who will inform the Director of Indoor EH and the Director of Indoor EH & Quality 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 allowing the operator 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 violations that resulted in the facility being entered into the EEP are corrected before the AR, the AR will still be held as scheduled. This will allow the operator to indicate how the violations were 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 of whether the violations have been corrected.

Criteria for Inclusion for Critical Violations:

Facilities with one or more uncorrected critical violations during an inspection will be scheduled for a re-inspection within 10 business days. The re-inspection timeframe will depend upon the nature of the violation. The facility will forgo a file review if the same critical violation is observed uncorrected within 2 re-inspections. The EH Program Manager and REHS will review the inspection reports, discuss the violations and develop an action plan for the facility, which may include increasing the inspection frequency or scheduling an Administrative Review (AR) with the Director of Indoor Environmental Health & Quality. If the developed action plan requires that the facility be entered into the EEP, then the EH Program Manager may conduct the scheduled re-inspection with the REHS. However, REHSs 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 Program Manager. If the developed action plan does not entail entering the facility into the EEP, the REHS will notify the operator of the action plan developed during the file review. The operator will then be required to adhere to the developed action plan. If the operator does not comply or meet the requirements of the developed action plan, then the EH Program Manager will schedule a re-inspection with the REHS. If the violations are not corrected or if substantial progress has not been made to correct the violations at the time of the EH Program Manager's inspection, the EH Program Manager will inform the operator they will be requested to appear at an AR with the Director of Indoor Environmental Health & Quality. 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 Director of Indoor Environmental Health & Quality 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 REHS 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 violations the REHS will document the inspection on an approved inspection form and inform the EH Program Manager of the inspection results. If the operator does not comply or meet the requirements outlined within the Director of Indoor Environmental Health & Quality AR, then the EH Program Manager will schedule a re-inspection with the REHS. If the facility has corrected the violations the EH Program Manager will document the inspection on an approved



inspection form and inform the Director of Indoor Environmental Health & Quality of the inspection results. If the violations are not corrected or if substantial progress has not been made to correct the violations at the time of the EH Program Manager's re-inspection, the EH Program Manager will inform the operator they will be requested to appear at an 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 REHS 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 violations the REHS will document the inspection on an approved inspection form and inform the EH Program Manager of the inspection results. If the facility has failed to correct the violations, the REHS will inform the EH Program Manager who will inform the Director of Indoor Environmental Health & Quality and the Director of Indoor Environmental Health & Quality 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 violations 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 violations 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 violations were 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 of if the violations have been corrected or not.

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 an 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 REHS will call the Director of Indoor Environmental Health & Quality, who would consult with 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 REHS, 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 EH Program Manager, 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 Program Manager and food safety program staff on a monthly basis. Any areas of the program found to need improvement will be documented and improvement strategies will be developed and implemented.