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Food Safety Program Enhanced Enforcement Program Policy

Overview:

In a proactive approach toward protecting public health and 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 first implemented on January 1, 2013 and is reviewed annually. Changes may be made to this policy after a review is conducted by program staff. This EEP policy was last revised on August 23, 2024.

Criteria for Inclusion in the EEP Process for Critical Violations

- I. When a critical violation(s) are cited in an FSO or RFE, a reinspection may be completed as outlined in LCHD's Food Safety Program Reinspection Policy. If the same critical violation(s) are found during the re-inspection, then a second reinspection will be scheduled. If the same critical violation(s) are found during the second re-inspection, then the facility will be entered into the EEP process outlined below.
- II. If a file review of a facility reveals that the same critical violation(s) have been cited during the past 3 standard inspections, the facility may be entered into the EEP process outlined below. The Director of Indoor Environmental Health will have the ultimate authority to make these decisions. Decisions will be based on the nature of the violation(s), how quickly the violation(s) were corrected in the past, and the overall public health significance of the uncorrected violation(s).
- III. 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. In some cases, this authority may not be used if the facility agrees to voluntarily close on their own volition. If either case exists, the facility may be entered into the EEP process outlined below. Ultimate authority to make this decision is given to the Director of Indoor Environmental Health.

Criteria for Inclusion in the EEP Process for Noncritical Violations

- I. When a noncritical violation(s) are cited in an FSO or RFE, a reinspection may be completed as outlined in LCHD's Food Safety Program Reinspection Policy. If the same noncritical violation(s) are found during the re-inspection, then a second reinspection may be scheduled. If the same noncritical violation(s) are found during the second reinspection, then the facility may be entered into the EEP process outlined below.
- II. If a file review of a facility reveals that the same noncritical violation(s) have been cited during the past 3 standard inspections, the facility may be entered into the EEP process outlined below. The Director of Indoor Environmental Health will have the ultimate authority to make these decisions. Decisions will be based on the nature of the violation(s), how quickly the violation(s) were corrected in the past, and the overall public health significance of the uncorrected violation(s).

EEP Process

Initially, an Administrative Review (AR) will be scheduled with the Director of Indoor Environmental Health to discuss the ongoing violation(s) cited. The AR will be scheduled at the Licking County Health Department, and the facility will be given notice at least one week before the AR is scheduled. An action plan for compliance and increased inspection frequency will be discussed during the AR. Provided that the facility implements the agreed-upon action plan to correct the ongoing violation(s), as evidenced by compliant inspection reports during subsequent EEP inspections, the facility will be removed from the EEP and resume receiving inspections at a regular inspection frequency.

If the facility does not comply with the agreed-upon action plan and demonstrates non-compliance with the EEP-scoped violation(s) during the EEP inspections, a second AR will be scheduled with the Health Commissioner. The AR will be scheduled at the Licking County Health Department, and the facility will be given notice at least one week before the AR is scheduled. An action plan for compliance and increased inspection frequency will be discussed during the AR. Provided that the facility implements the agreed-upon action plan to correct the ongoing violation(s), as evidenced by compliant inspection reports during subsequent EEP inspections, the facility will be removed from the EEP and resume receiving inspections at a regular inspection frequency.

If the facility again does not comply with the agreed-upon action plan and demonstrates non-compliance with the EEP-scoped violation(s) during the EEP inspections, this matter will be referred to the Licking County Board of Health (Board). A public hearing will be scheduled during the next regularly scheduled Board meeting, and the FSO/RFE will be notified a minimum of 24 hours before the hearing. 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 Ohio Revised Code Sections 3717.29 and 3717.49.

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



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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 who will 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 Director of Indoor Environmental Health and/or the Indoor Environmental Health 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 items will be reviewed by the LCHD 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.