

Food Purveyor Inspection Frequency and Plan of Compliance Policy

Background

The Flathead City-County Board of Health desires to establish a policy that increases the frequency of inspections of public food purveyors that chronically score low on routine inspections.

The Montana Code Annotated 50-50-301 requires inspections of licensed public food purveyor establishments once a year and allows for more frequent inspections. Standard three of the U.S. Food and Drug Administration (FDA) Voluntary National Retail Food Regulatory Program Standards require a health department enrolled in the program to: classify food purveyors based on potential food safety risks in their operation, assign inspection frequency based on those risk classifications, and conduct follow-up and compliance activities when risks are identified during an inspection. Flathead City-County Health Department is currently enrolled in the U.S. FDA Voluntary National Retail Food Regulatory Program Standards.

Montana Department of Public Health and Human Services adopted the 2013 FDA Food Code in 2015. The new Food Code brought changes to inspection requirements for food purveyors. Some of the changes affected Flathead City-County Board of Health Policy "2010-02 EH." Policy 2010-02 EH referred to critical and non-critical violations. The new Food Code removed this terminology and replaced it with "priority," "priority foundation" or "core" deficiencies.

Inspections that result in noted violations of the Food Code represent an elevated risk to the public. Several studies have shown a linkage between establishments with poor inspection results and the likelihood of contracting a foodborne illness as a result of consuming food associated with the establishment. The Board believes that chronically low inspection scores may increase the risk to the public.

Policy

The Board believes that an aggressive inspection campaign on food service establishments that chronically score low on routine inspections will minimize risk associated with the consumption of food from that establishment, will reduce staff time to conduct follow-up inspection activities and, reduce overall inspections costs. The Board also believes that meeting the requirements of the U.S. FDA Voluntary National Retail Food Regulatory Program Standards is a worthwhile goal that will result in a higher quality service to the public by establishing multiple levels of consistency within the program. Ultimately, this policy desires to improve public health by identifying and reducing food-borne illness risk factors and focusing Health Department staff where there are higher public health risks.

This policy shall update and replace Policy 2010-02 EH. It will define the classification of food purveyors by potential risk and establish an inspection frequency for all food purveyors in Flathead County based on both potential and observed risk.

Procedure

Routine inspections are unannounced and performed at regular intervals throughout the year based on risk category. Food purveyors shall be classified using five risk categories, numbered "1" through "5." Category "1" shall consist of facilities that have the lowest potential risk and category "5" shall consist of facilities that have the highest potential risk. Considerations in assigning risk shall include: the amount of food handling and preparation conducted at the facility, the complexity of food preparation processes such as processes that include cooling and reheating food versus those that involve only cook and serve, the use of special processes such as reduced oxygen packaging, and whether the establishment serves a high-risk population. Risk level one and two establishments generally have the least risk and are inspected once per year. Risk level three through five have increasingly higher risk and are inspected two times per year or more dependent upon inspection history.

The Health Department employs an electronic inspection, reporting and scoring system. Specific violations or deficiencies noted during an inspection are linked to a violation library consistent with the State of Montana administrative rule. Deficiencies are given a weighted score and tallied. The number and severity of deficiencies noted result in an alphabetic score of A, B, C, D or F with a "+/-" suffix for further gradation.

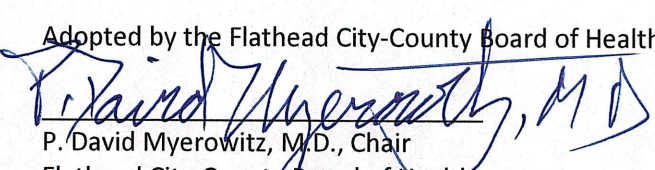
Establishment scoring is based on specific deficiency values assigned to each deficiency. There are three deficiency types: Priority, Priority Foundation and Core. Priority items contribute directly to the elimination, prevention or reduction to an acceptable level, of hazards associated with foodborne illness or injury where there are no other controls on the hazard. An example of a Priority deficiency would be a food handler failing to wash their hands after handling raw meat and prior to handling ready to eat food. Priority Foundation items support, facilitate or enable one or more priority items. An example of a Priority Foundation deficiency would be not having an accessible or adequately supplied hand-washing sink that allows a food handler to wash their hands properly. Core items include all other items not deemed as Priority or Priority Foundation. An example of a Core deficiency is a facility with floors that exhibit caked on dirt or grease. Priority and Priority Foundation deficiencies must be corrected immediately or as directed by the Health Department. Follow-up activities, including but not limited to a follow-up inspection, are necessary to ensure Priority and Priority Foundation deficiencies are corrected in a timely manner. Core deficiencies must be corrected by the next routine inspection or as directed by the Health Department. Follow-up activities, including, but not limited to, a follow-up inspection, may be necessary to ensure Core deficiencies that persist are corrected as directed. Repeat Priority and Priority Foundation items which are not corrected after three inspections of any type will be referred to the Health Officer for further action.

Food purveyors that earn a score of "B" or lower on any two consecutive routine inspections or any two inspection of any type shall be placed on an accelerated inspection schedule. Accelerated inspections shall consist of twice the number of routine inspections conducted annually. Food purveyors on an accelerated inspection schedule shall return to a normal schedule when the establishment earns a score of "A" or better on two consecutive routine inspections.

Food purveyors that earn a score of "C+" or lower on successive routine inspections or two out of three full, graded inspections of any type shall result in the issuance of a plan of compliance by the Health Department. The plan of compliance will identify each deficiency that is chronic in nature or has high foodborne illness risk associated with it. The plan shall define a timeframe for correction of the noted deficiencies. The plan of compliance will include a monthly inspection schedule. Per Montana Code

Annotated 50-50-205(3): *A county or other local government may not impose an inspection fee or charge in addition to the fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two inspections of the retail food establishment. An additional inspection fee of \$50 will be charged on each inspection where a violation persists and has not been corrected after two inspections. The plan of compliance will be in effect until each priority and priority foundation deficiency noted in the plan has been adequately corrected. An establishment that satisfies a plan of compliance will remain on an accelerated inspection schedule until they earn a score of "A" or better on two consecutive inspections.*

Adopted by the Flathead City-County Board of Health on: December 14, 2017.


P. David Myerowitz, M.D., Chair
Flathead City-County Board of Health