



Creating a State of Health

## MINUTES OF REGULAR SCHEDULED PUBLIC MEETING

*This amended special meeting of the Food Service Advisory Council, scheduled to begin at 9:30 a.m. on this eighth day of June, 2016 was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., §§ 301 et seq.] Further, an advance public notice that was sent to the Secretary of State's Office of Administrative Rules by Facsimile December 8, 2015, prior to this time today, specifying the time and place of the meeting here convened, preceded this meeting. Notice of this meeting was given at least twenty-four (24) hours prior here to and no one filed a written request of notice of meetings of this public body to date.*

PUBLIC BODY: OKLAHOMA FOOD SERVICE ADVISORY COUNCIL  
DATE: WEDNESDAY, DECEMBER 7, 2016  
ADDRESS: OSU HOTEL AND RESTAURANT SCHOOL, STILLWATER  
CONTACT PERSON: TERESA MARTINEZ TELEPHONE: (405) 271-5243

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### **Agenda Item 1:**

#### **Open Meeting Act**

Bill Ricks announced the filing of the meeting and posting of the agenda in accordance with the Oklahoma Open Meeting Act.

### **Agenda Item 2:**

#### **Call to Order**

Bill Ricks called the meeting to order at 9:33 a.m. at the OSU Hotel and Restaurant School, Stillwater, OK. Teresa Martinez called roll and a quorum was met.

**Council members present:** Phil Maytubby, Larry Bergner, Roy Escoubas, Harold Kelly, Park Ribble, Erica Hering, Elizabeth Nutt, Bill Ryan, Jim Hopper, and Bill Ricks

**Council members absent:** Stan Stromberg, Brenda Potts, and John Kelly

**Staff present:** Lynnette Jordan, Don Maisch, Phillip Jurina, Sam Cannella, and Teresa Martinez

**Others present:** Ravi Jadeja, and Troy Skow

### **Agenda Item 3:**

#### **Introductions**

Roy Escoubas introduced Dr. Ravi Jadeja. Dr. Jadeja is a resident at the food and agriculture products center and a faculty member in the Department of Animal Science. He is also the food safety specialist at the Oklahoma State University.

### **Agenda Item 4:**

#### **Ravi Jadeja**

Mr. Jadeja presented an overview of the food science program available at OSU. The new food safety option will be offered as an undergraduate degree through the College of Agricultural Sciences and Natural Resources in the Department of Animal Science. This is offered as an option for food science majors.

### **Agenda Item 5:**

#### **Update on the Required Restroom Signs Regarding Pregnancy**

Most of the requirements in HB 2797 require funding before going into effect. There were provisions in this HB that did not contain funding language. One of the provisions was the requirement to post signage

in public restrooms of all facilities regulated by the Oklahoma State Department of Health. Rules regarding the signage requirement have been drafted and public notice was given. There have been three changes to the drafted regulations to include placement, size and Health Department website. The provision in the language allowing the sign to be placed anywhere in the facility other than the restroom will be removed. The font size and type will be removed and the sign size should be reasonably legible. The Health Department's website address will be placed on the signs.

The comments received and proposed changes to the rules will go before the Board of Health at their December 2016 meeting. If they are approved by the Board of Health, they will still need to go before Legislature.

**Agenda Item 6:**

**Review and Possible Action on Approval of September 7, 2016 Meeting Minutes**

Phil Maytubby made a motion to approve the minutes. Park Ribble seconded the motion.

Roll call

Aye: Bill Ryan, Elizabeth Nutt, Harold Ke4lly, Roy Escoubas, Jim Hopper, Erica Hering, Larry Bergner, Park Ribble, Phil Maytubby, and Bill Ricks

The motion carried.

**Agenda Item 7:**

**Department Report**

**a. Licensing & Inspection Update**

The food program maintains about 23,000 licenses. Of these, an average of 2,000 new establishments obtains a license each year to replace those that go out of business. The one inspection minimum is still moving forward. Vacant positions and recently filled positions lead to training time for new staff which can hinder obtaining one inspection per year on each establishment. All inspectors are requested to still do a 4, 3, 2, 1 inspection for compliance. Manufacturing inspectors may be able to assist in areas with low or no staff.

OSDH still has a manufacture position vacancy. Manufacture inspectors are also required to perform two yearly inspections of all tattoo and body piercing establishments. It is unclear if the department will be able to fill this position, which could impede the ability to assist county inspectors.

**b. Appointments/Re-Appointments**

Nominees have been submitted for the Board of Health meeting scheduled for December 2016.

**c. Review of OAC 310:257**

As of September 15, 2016 the new food rules became effective. The priority and priority foundations are being worked on as well as an index. The new regulations are available on the OSDH website.

Links to the CFR language will be worked on as time allows and will include an edited date when this occurs.

**d. General Policies & Procedures Update**

Consumer Health Service is still moving forward with procedures. Several procedures are pending signature/approval of the appropriate Deputy Commissioner. PHAB standards are being used to make sure that all parties are being contacted for comments. These parties include Community and Family Health, Regional Directors, Food Service Advisory Council, tribal partners, DEQ, and internal partners. This has been a large coordinated effort for tracking and review of each procedure before they are submitted for final signature.

**e. Update on Department Budget**

Don Maisch filled in for Carter Kimble to speak about the OSDH budget and Federal/State appropriated dollars. State appropriated dollars are used to fill in the gaps between generated fees and the overall cost of programs. The PowerPoint presentation provided was prepared by Dr. Cline to the Board of Health at their October 2016 meeting. According to the presentation, there has been a loss of 28% of state appropriated dollars since FY2009.

OSDH represents 0.75% of the Oklahoma State appropriated budget. Of this 0.75%, Community and Family Health showed 62% and Protective Health showed 8%. This presentation also included information concerning statutory and mandatory programs to include, restaurants, hotels, tattoo, and body piercing.

Due to this reduction, fee structures are being looked at to ensure financial resources are obtained to meet all mandates.

**Agenda Item 8:****Review, Discussion and Possible Action on Proposed Changes to Oklahoma Administrative Code (OAC) 310:250 Consumer Health Service – Fee Schedule**

This is the fee increase that was proposed and accepted to move forward for comments. (This is not a complete version of proposed Title 310, Chapter 250; it only highlights the initial, renewal, and late renewal for licensure)

**310:250-3-1. Food service establishments**

(1) Food Category I includes any establishment preparing and selling Time/Temperature Control for Safety (TCS) food that is cooked, cooled and re-heated at any time while under the control of the establishment. This also includes any establishment requiring a variance and/or Hazard Analysis Critical Control Point (HACCP) plan for the preparation or production of food.

(A) Initial - \$650

(B) Renewal - \$450

(C) Late Renewal - \$550

(2) Food Category II includes any establishment selling TCS food that is prepared, cooked and/or maintained at proper temperatures but not cooled and reheated while under the control of the establishment.

(A) Initial - \$550

(B) Renewal - \$350

(C) Late Renewal - \$450

(3) Food Category III includes any establishment selling pre-packaged foods from an approved source or that sells unpackaged foods that do not require time and temperature control for safety; and does not sell foods meeting Category I or Category II.

(A) Initial - \$450

(B) Renewal - \$250

(C) Late Renewal - \$350

(4) State Operated, Non-Profit or Health Facilities not meeting exempt status. These establishments may include any level of service listed above.

(A) Initial - \$150

(B) Renewal - \$100

(C) Late Renewal - \$150

(5) Seasonal includes any establishment that meets the definition of "Seasonal food establishment" outlined in OAC 310:257-1-2 where the license is valid for only one hundred eighty (180) consecutive days per year. A renewal may be issued each season up to fourteen (14) days before or after the previous year's start date and will be valid for one hundred eighty (180) consecutive days per year.

- (A) Initial - \$300
  - (B) Renewal - \$200
  - (C) Late Renewal - \$250
- (6) The fee for a temporary food establishment, as defined in OAC 310:257-1-2, shall be \$75.00 for a three (3) day period plus \$30.00 for each additional day.

### **310:250-3-2. Drug operational permits**

Drug Operational Category includes any over-the-counter wholesalers, brokers and manufacturers of drugs:

- (A) Initial - ~~\$350.00~~\$550.00
- (B) Renewal - \$250.00
- (C) Late Renewal - \$300.00

### **310:250-3-3. Lodging establishment operational permits**

- (1) ~~Type 51 Class Category~~ A "Hotels and Motels"(Not more than 20 units):
  - (A) Initial - ~~\$250.00~~\$450.00
  - (B) Renewal - ~~\$150.00~~\$200.00
  - (C) Late Renewal - ~~\$200.00~~\$250.00
- (2) ~~Type 51 Category~~ Class B "Hotels and Motels"(Not more than 100 units):
  - (A) Initial - ~~\$300.00~~\$500.00
  - (B) Renewal - ~~\$200.00~~\$250.00
  - (C) Late Renewal - ~~\$250.00~~\$300.00
- (3) ~~Type 51 Category~~ C "Hotels and Motels"(More than 100 units):
  - (A) Initial - ~~\$350.00~~\$550.00
  - (B) Renewal - ~~\$250.00~~\$300.00
  - (C) Late Renewal - ~~\$300.00~~\$350.00

### **310:250-3-6. Public Bathing Places**

- (a) The following are license classifications and associated fees for Public Bathing Places:
  - (1) ~~Type 82 Class-Pool~~ Category I "Indoor Facility"
    - (A) Public Bathing Places Initial License Fee - \$50.00\$125
    - (B) Public Bathing Places Renewal License Fee - \$75
    - (C) Public Bathing Places Re-inspection Fee - \$250.00
  - (2) ~~Type 82 Class-Pool~~ Category O "Outdoor Facility"
    - (A) Public Bathing Places Initial License Fee - \$50.00\$125
    - (B) Public Bathing Places Renewal License Fee - \$75
    - (C) Public Bathing Places Re-inspection Fee - \$250.00
  - (3) Pool Category M "Municipality of 5,000 or less population"
    - (A) Public Bathing Places Annual License Fee - \$50.00
    - (B) Public Bathing Places Re-inspection Fee - \$250.00

Combining the plan review and license fee will ensure that proper payment is made and proper paperwork is made available, to include the agreement documentation concerning operations of a facility. There was some controversy concerning the graduated fee for food establishments; a flat fee was preferred by some.

Jim Hopper would like to take this information back to the Restaurant Association for discussion before an approval or rejection is made by this Council. The next scheduled meeting of the Association is February 8, 2017.

**Agenda Item 9:****Update and Discussion on Precautionary Boil Advisory and Mandatory Boil Order**

Lynnette Jordan and Phillip Jurina reported that an advisory will be treated the same as a boil order. Inspectors will not be checking facilities to make sure they are following best practices of not using the non-potable water. The water systems have the requirements to notify their clients of the unsafe water and the facilities will be required to act on the notification. As routine inspections and complaints occur, if the facility is observed violating unsafe water usage, then they will be considered in violation. OSDH should still be notified according to regulation requirements. Inspectors has the authority to observe the violations, they do not have the authority to approve procedures. A self-check list is being drafted to assist the facilities in this.

**Agenda Item 10:****Review and Possible Action on Examples and Templates to Properly Clean Up Vomit**

Elizabeth Nutt provided the finalized procedures and poster for the proper cleanup of vomit.

Phil Maytubby made a motion to approve the procedures and poster for the proper cleanup of vomit. Jim Hopper seconded the motion.

Roll call

Aye: Bill Ryan, Elizabeth Nutt, Harold Kelly, Roy Escoubas, Jim Hopper, Erica Hering, Larry Bergner, Park Ribble, Phil Maytubby, and Bill Ricks

The motion carried.

**Agenda Item 11:****Review and Possible Action on Meeting Locations for 2017**

Wednesday January 18<sup>th</sup>

21c Museum Hotel, 900 W Main St, OKC

Wednesday June 14<sup>th</sup>

Tulsa City-Co HD, 5051 S 129<sup>th</sup> East Ave, Tulsa

Wednesday September 13<sup>th</sup>

OKC City-Co HD, 2600 NW 63<sup>rd</sup> St, OKC

Wednesday December 13<sup>th</sup>

Food and Ag Products Center, 320 N Monroe, Stillwater

Jim Hopper made a motion to approve the meeting locations for 2017. Park Ribble seconded the motion.

Roll call

Aye: Bill Ryan, Elizabeth Nutt, Harold Kelly, Roy Escoubas, Jim Hopper, Erica Hering, Larry Bergner, Park Ribble, Phil Maytubby, and Bill Ricks

The motion carried.

Elizabeth Nutt made a motion to amend the meeting locations and to hold a regularly scheduled meeting at 1:00 p.m. on February 9, 2017 at the OSU Campus in Stillwater OK. Park Ribble seconded the motion.

Roll call

Aye: Bill Ryan, Elizabeth Nutt, Harold Kelly, Roy Escoubas, Jim Hopper, Erica Hering, Larry Bergner, Park Ribble, Phil Maytubby, and Bill Ricks

The motion carried.

**Agenda Item 12:**

**Old Business**

None

**Agenda Item 13:**

**New Business**

None

**Agenda Item 14:**

**Announcements**

Troy Skow discussed a Wal-Mart that has a warehouse where you pick up groceries after ordering and paying online. The customer is alerted when the order is ready and given a code that is entered at the location. Once the code is entered, a conveyor brings their order. The warehouse is maintained at 34 degrees. People are not allowed in the warehouse, if a person enters, everything shuts down. The order is brought from the existing store and placed in the warehouse for pick up by the customer. It is similar to a large vending machine. One of these has been built in Oklahoma City.

**Agenda Item 15:**

**Next Meeting Date: January 18, 2017 – Location TBD**

**Agenda Item 16:**

**Adjournment**

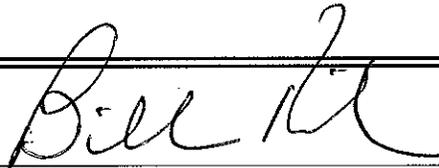
Jim Hopper made a motion to adjourn. Bill Ryan seconded the motion.

Roll call

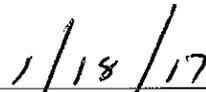
Aye: Bill Ryan, Elizabeth Nutt, Harold Kelly, Roy Escoubas, Jim Hopper, Erica Hering, Larry Bergner, Park Ribble, Phil Maytubby, and Bill Ricks

The motion carried.

The December 7, 2016 meeting of the Oklahoma Food Service Advisory Council adjourned at 12:36 p.m.



Chair or Secretary Signature



Date Approved by Vote