Oklahoma State Department of Health
Consumer Protection Division Procedures Manual

Title: FOOD ESTABLISHMENT INSPECTIONS

CPDP#: F-01

Responsible Areas:
- Protective Health Services (PHS)
  - Consumer Health Service (CHS)
    - Consumer Protection Division (CPD)
- Community Health Services
  - County Health Departments (CHD)

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I. PURPOSE
To establish an administrative procedure for inspectors that outlines a near step-by-step process of inspection of establishments regulated under O.A.C. 310:257, to assure food offered for sale to the public is safe, unadulterated, and honestly presented; to prevent the transmission of foodborne diseases and food poisonings from bacteria, virus, toxins, or chemical poisons, through adulteration or poor sanitation practices in the food establishment.

II. AUTHORITY
- Title 63 Oklahoma Statute (O.S.) § 1-104 et seq.
- Title 63 O.S. § 1-1101 et seq.
- Title 63 O.S. § 1-1118 et seq.
- Title 63 O.S. § 1-1119 et seq.
- Oklahoma Administrative Code (O.A.C.) 310:257
- Oklahoma Administrative Code (O.A.C.) 310:250

III. JURISDICTION
The Oklahoma State Department of Health (OSDH) has jurisdiction statewide except on tribal trust property and federal land. Any food establishment operated on tribal trust property will fall under the applicable tribal nation and/or Indian Health Service (IHS) laws and regulations. Any food establishment operated on Federal property will fall under the jurisdiction of the United States government (unless requested by the establishment).
In the Oklahoma City-County and Tulsa Health Departments’ jurisdictions, OSDH contracts annually with these organizations to conduct the inspections, issue license applications, and ensure compliance with the rules.

Department inspectors (either local or state) also conduct sanitation and/or food inspections for the following agencies:
- Oklahoma Department of Corrections
- Oklahoma Department of Human Services (via contract)
- Oklahoma Department of Mental Health and Substance Abuse Services (via contract)
- Oklahoma Office of Juvenile Affairs

The Department inspects these facilities as subject matter experts and forwards results to the regulatory agency. That entity is responsible for any enforcement or follow-up.

IV. FREQUENCY OF TASK(S)

a. **Mandated Inspection Frequency** - Regardless of risk, per OAC 310:257-15-17, the minimum inspection frequency for all food establishments mandated under this Chapter is one (1) routine inspection annually on the State Fiscal Year (July through June).

b. **Risk Inspection Frequency** - Although OSDH is not mandated in statute, rule, or contract for a risk inspection schedule, the Department attempts to achieve basic standards outlined in the FDA Food Code Annex 5. Meeting this frequency schedule is dependent on staffing, resources, and budget.

<table>
<thead>
<tr>
<th>CATEGORY / RISK</th>
<th>DESCRIPTION</th>
<th>FREQUENCY #/YR</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDA Category 1</td>
<td>Examples include most convenience store operations, hot dog carts, and coffee shops. Establishments that serve or sell only pre-packaged, non-time/temperature control for safety (TCS) foods. Establishments that heat a limited amount of only non-TCS foods for hot-holding. No cooling of TCS foods.</td>
<td>1</td>
</tr>
<tr>
<td>No Cook</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Low=L)</td>
<td></td>
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<tr>
<td>FDA Category 2</td>
<td>Examples may include retail food store operations, schools not serving a highly susceptible population, and quick service operations. Limited menu. Most products are prepared/cooked and served immediately. May involve hot and cold holding of TCS foods after preparation or cooking. Complex preparation of TCS foods requiring cooking, cooling, and reheating for hot holding is limited to only a few TCS foods.</td>
<td>2</td>
</tr>
<tr>
<td>Same Day</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Medium=M)</td>
<td></td>
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<tr>
<td>FDA Category 3</td>
<td>An example is a full service restaurant. Extensive menu and handling of raw ingredients. Complex preparation including cooking, cooling, and reheating for hot holding involves many TCS foods. Variety of processes require hot and cold holding of TCS food. Establishments that would otherwise be grouped in Category 4 but have an acceptable Hazard Analysis Critical Control Point (HACCP) Plan and/or written Food Safety Standard Operating Procedures.</td>
<td>3</td>
</tr>
<tr>
<td>Complex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(High=H)</td>
<td></td>
<td></td>
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<tr>
<td>FDA Category 4</td>
<td>Examples include preschools, hospitals, nursing homes, and establishments conducting processing at retail. Includes establishments serving a highly susceptible population or that conduct specialized processes, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life.</td>
<td>4 (3)</td>
</tr>
<tr>
<td>Susceptible Pop.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(High=H)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>Examples include any school. This is an agency administrative term that includes both school operated and third party operated food services. The frequency will help define the type of category. Because schools are operating on a decreased timeframe, the frequency is decreased by one (1) inspection annually so those serving a susceptible population of preschool will be three (3) inspections and any other will be two (2) inspections. Schools should not be rated any less than two (2) annual inspections.</td>
<td>3-2</td>
</tr>
</tbody>
</table>
d. **How to Define the Risk Frequency** - The risk frequency schedule varies and takes into account the Risk type (FDA Food Code Annex 4) and the Frequency based on risk (Food Code Annex 5, Table 1) – see Table 1 above in this procedure. This is the 3-2-1 model the agency works to achieve annually.

i. Inspectors first must identify the risk according to operations (Attachment E: Risk Based Planning Tool – ODH Form 545 is available to assist with this determination):

   *NOTE: Risk is independent from frequency. The risk should only be focused on the type of operations.*

ii. Once the risk is determined, Table 1 above may be used (and Attachment E: Risk Based Planning Tool – ODH Form 545) to help identify the frequency.

   A High establishments with a frequency of three (3) inspections should have routine inspections spaced within every trimester of the year (Jul-Oct; Nov-Feb; Mar-June) where all inspections can be completed annually based on the agency’s reporting period. High establishments that may include vulnerable populations or have a special process will also be recognized as a Frequency “3” by the following criteria:

   - Licensed establishments with vulnerable populations typically include schools that provide meals to children 4 years and younger which are only open for part of the year thereby decreasing the frequency from 4 to 3.
   - Other licensed establishments with vulnerable populations may include hospital cafeterias which serve to patients. However, these establishments have personnel on staff to oversee food safety standard operating procedures thereby decreasing the frequency from 4 to 3.
   - Licensed establishments with special processes are required in rule to have a HACCP plan that places them in FDA Category 3 thereby decreasing the frequency from 4 to 3.
   - Other establishments that may fall into this high 4 category will be counseled by the inspector and/or the Consumer Protection Division Manager to ensure food safety standard operating procedures are in place thereby decreasing the frequency from 4 to 3.

   B Medium establishments with a frequency of two (2) should have routine inspections spaced within each half of the year (Jul-Dec; Jan-Jun) where all inspections can be completed annually based on the agency’s reporting period.

   C For any High risk or Medium risk licensed establishment that may only be opened part of the year, the risk designation shall remain as High or Medium; however, a request may be made via email to the manager/supervisor to deviate from the regularly assigned frequency.

1. The inspector shall include the timeframes of operation along with license number and name of the establishment in the email request
2. Mediums operating about six (6) months or less will be considered for reduction from two (2) inspections to one (1) annually
3. Highs operating about six (6) months or less will be considered for reduction from three (3) inspections to two (2) annually
4. Upon approval, the manager/supervisor may modify CPSQL
5. At any time the operation timeframes are increased, the inspector shall notify the manager/supervisor of the change so frequencies may be reset to the standard
6 Managers should share all documentation/approvals/changes with central office to maintain as justification for the frequency deviation; an email may be sent via the ConsumerHealth inbox.

e. **Additional Facility Frequencies**
The following establishments, regulated by partner entities, are inspected by OSDH as noted:
- Prisons – Oklahoma Department of Corrections
  - Tracked in CPSQL as a low for warehousing and/or canteen; one (1) inspection annually
  - Tracked in CPSQL as a high for kitchens; two (2) or three (3) inspections annually dependent on food operations
- Daycares – Oklahoma Department of Human Services (via contract) – upon request; refer to Daycare Inspection procedure
  - Tracked in the Daycare Inspection database (no process or risk assigned)
- Mental health institutions – Oklahoma Department of Mental Health and Substance Abuse Services (via contract) – upon request
  - Tracked in the Mental Health Inspection spreadsheet (no process or risk assigned)
- Juvenile justice facilities – Oklahoma Office of Juvenile Affairs – a minimum of one (1) time per year
  - Tracked in CPSQL as a Low based on agreement with agency to inspect one (1) time per year

f. **Compliance Activity Frequencies**
Compliance activities are recognized as any re-inspection (onsite) or follow-up activity (additional documentation submitted to the inspector) deemed necessary to ensure compliance of violations.

i. **Priority/Priority Foundation (P/Pf) Violations**
   a. Based on OAC 310:257-15-34(b), if a P/Pf is cited, the establishment has no more than ten (10) calendar days to fix if it’s not Corrected During Inspection (CDI). (If CDI – no compliance activity is required.)
   b. The inspector may identify a shorter time period for the establishment depending on the severity and nature of the violation.
   c. The inspector has up to twenty (20) days from the date of inspection to verify compliance of a P/Pf correction (see V.l. Follow-up Activity and/or V.m. Re-Inspection Steps for the procedure).

ii. **Core Violations**
   a. Based on OAC 310:257-15-36(c), if a core violation is cited, the establishment has no more than ninety (90) calendar days to fix – if it’s not CDI. (If CDI – no compliance activity is required.)
   b. The inspector may identify a shorter time period for the establishment depending on the severity and nature of the violation and verify compliance up to twenty (20) days after the agreed upon correct by date.
   c. The inspector may verify compliance at the next routine inspection or sooner (see V.l. Follow-up Activity and/or V.m. Re-Inspection Steps for the procedure).
   d. If the violation is a repeat Core violation during the next routine inspection, the inspector has up to twenty (20) days after the agreed correct by date to verify compliance – a repeat violation should typically not be extended to the next routine inspection again.
V. PROTOCOLS

Protocols Index (page #'s)
- V.a. Process Types (5)
- V.b. Definitions & Descriptions (5)
- V.c. Plan Review (7)
- V.d. Verification of Ownership (9)
- V.e. Issuing a New/Initial License (9)
- V.f. Change of Ownership (10)
- V.g. Licensure (10)
- V.h. Variance (11)
- V.i. Conducting Inspections at Facilities with Multiple Licensure (11)
- V.j. Inspector Inspection Steps (The Inspector will...) (12)
- V.k. Recurring Violations (14)

a. Process Types – For administrative data tracking purposes, OSDH uses the terms High, Medium and Low to reflect the types of processes outlined in the 2013 Food Code (see Table 1 under IV.b. Risk Inspection Frequency above)

b. Definitions and Descriptions

i. For administrative data tracking purposes, the following classes of food establishments are recognized:

A Retail – typically handled at local county health department (with the exception of prisons and juvenile justice facilities)
1. Class B – Bar
2. Class C – Combination Retail Food
3. Class E – Exempt or Reduced License Fee
   - E1 – Non-Profit
     o A non-profit establishment is any entity with a 501c* designation that uses paid employees. These types of establishments are typically operating on a daily or routine basis and may include membership based clubs such as Elks Lodge or American Legions, Veteran centers, Municipality owned and possibly churches if they have a licensed establishment that hires people to work.
   - E2 – State-Owned Prisons
   - E3 – Schools
     o Does not include 3rd party vendors; food operation must be conducted by school/health employees
   - E4 – Civic, Charitable or Religious ($0)
     o A civic, charitable, religious establishment is also a non-profit with a 501c* designation that uses volunteers. These types of establishments are typically churches, booster clubs, or senior centers. The main difference from an E1 is unpaid labor.
   - E5 – Health Facilities
     o A health facility may include a hospital, mental institution or clinic where the general public purchases food
*Look here for a reference to the types of 501c designations – this is only a tool for awareness: https://en.wikipedia.org/wiki/501%28c%29_organization*

4 Class F – Food Establishment
5 Class M – Mobile Food Service and Vendor
   • M - Mobile
   • MR - Retail Mobile
   • MI - Indoor Pushcart (May only operate inside a venue. Commissary on-site is required.)
   • MO - Outdoor Pushcart (May operate inside or outside.)
6 Class R – Retail Food Store
7 Class S – Seasonal
8 Class T – Temporary Food Service

B Wholesale / Manufacturing / Other – typically handled at the state health department
1 Class A – Frozen Food Locker
2 Class P – Food Manufacturing
3 Class P1 – Food Manufacturing Exempt
4 Class U – Water & Ice Vending
5 Class W – Food Wholesale
6 Class X – Privately Owned Prisons
7 Class Y – Food Salvagers
8 Class Z – Bottled Water Plants

C Variance as allowed in OAC 310:257-15-3, 5-46 & 5-63 – to identify an establishment with a variance, the assigned class will have a “V” included. Most likely license classes (but may include others as needed):
1 Class BV – Bar with a Variance
2 Class FV – Food Establishment with a Variance
3 Class CV – Combination Retail Food with a Variance

ii. Types of violations as defined in OAC 310:257-1-2:

A Priority (P) item – an item which “contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazards. Priority item includes an item with a quantifiable measure to show control of hazards such as cooking, reheating, cooling or handwashing” (See Appendix F for a more detailed list of these types of violations, #’s 2, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 23, 24)

B Priority Foundation (PF) item – an item “whose application supports, facilitates, or enables one or more priority items. Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment, or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure, or necessary equipment, HACCP plans, documentation or record keeping, and labeling.” (See Appendix F for a more detailed list of these types of violations, #’s 1, 3, 12, 13, 14, 15, 16, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35)

C Core item – an item “that is not designated as a priority item or priority foundation item and includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design or general maintenance.” (See Appendix F for a more detailed list of these types of violations, #’s 36 thru 57)
iii. For administrative data tracking purposes, the following types of Inspections/Actions are recognized (the number denotes the designation in the tracking database):

   A. Routine inspection (1) – is a regularly scheduled inspection; these are determined by the inspection risk with a minimum of one (1) being mandated in rule

   B. Re-Inspection (also known as Compliance) (2) – an inspection conducted by the inspector to follow-up on previously cited violations not corrected during the routine or initial complaint inspection

   C. Enforcement Inspection (also known as Compliance) (2) – any re-inspection conducted during the enforcement stage by the inspector and in most instances one other inspector representing the central office which may include the following:
      1. Notice of Violation (NOV) inspection
      2. Administrative Compliance Order (ACO) inspection
      3. Additional inspection as requested by the Office of General Counsel

   D. Initial License Inspection (3) – is the final inspection in the plan review stage; it validates the establishment is in compliance with the rules and may be licensed for operation

   E. Complaint Inspection (4) – is an inspection conducted based on a valid complaint; a complaint inspection may be a full inspection, similar to a routine inspection, or the inspector may determine only the specific issue noted in the complaint needs to be inspected. If the Complaint inspection is incorporated into a Routine inspection (1), a note should be added in the comment section of the inspection describing the complaint.

   F. Other Inspection (5) – is any onsite visit used for educational purposes, inspections made during the planning stage prior to the initial license inspection, or onsite effort not fitting into one of the inspections listed in this section

   G. Out-of-Business (6) – an activity or onsite visit validating the closure of a business

   H. Follow-up activity (7) – is not an onsite inspection; instead it is effort to validate a violation has been corrected which may include, but not be limited to:
      1. Validation from a service / contracted entity that specializes in maintenance or control (receipt; letter; call from service agent)
      2. Any documentation/notification the inspector deems necessary to validate completion

NOTE: additional actions have been identified in section n. Documenting Inspections (Data Entry) below to be included once a new data system is created for additional tracking purposes. Those listed above are current with the corresponding data tracking number. Tracking numbers are subject to change.

c. **Plan Review**

   i. The plan review application applies to all establishments starting a new business or extensively remodeling or extensively changing their original operations.

   ii. Prior to licensure approval, if meeting the standards above, food establishments must complete the plan review application, ODH Form #824 [OAC 310:250-3-7; 257-15-6].

      A. Application and fee must be submitted to the health department.

         1. Retail applications – submitted to the local county where the establishment is physically located
2 Wholesale, manufacturing, Water Bottling, Water Vending, Drug Manufacturers, Drug Warehouses, state prisons, and juvenile justice facilities – submitted to central office
3 An establishment is not required to have a plan review if there is no plumbing and food products are pre-packaged only

B Inspectors are encouraged to assist and answer questions in filling out the plan review application.

iii. The following must be submitted [OAC 310:257-15-6 & 15-7] by the applicant:

A The Plan Review application for Food or Lodging Establishments, ODH Form 824.
B A nonrefundable fee for review of the Plan Review Application of Food, made payable to the Health Department as noted on the application form. (Unless v.f. Change of Ownership i.A is applicable – then no fee required)
C A proposed menu or list of all proposed menu items.
D Proposed floor plans of food establishment (should be drawn to scale or show dimensions; indoor and outdoor schematics may be drawn separate), showing locations of:
   1 Equipment
   2 Plumbing Services
   3 Electrical Services
   4 Mechanical Services
   5 Alleys (outdoor)
   6 Street (outdoor)
   7 Dumpsters, well, septic systems, if applicable (outdoor)
E Proposed equipment types which include manufacturer and model numbers for each piece of equipment used (include custom fabricated equipment)
F Completed Affidavit of Lawful Presence [Title 56 O.S. § 71; 8 U.S.C 1621]
   1 Completed and signed by the individual owner
G Proof of owner (see V.d. Verification of Ownership for further details):
   1 Copy of valid ID of individual owner (prior to licensure), or
   2 Copy of Certificate of Incorporation from the Secretary of State if owned by LLC, INC. etc. (prior to licensure) – see “c. Verification of Ownership” above
H Copy of Oklahoma Sales Tax ID or other Oklahoma Tax identifiers (prior to licensure)
I Establishments not connected to municipal water or wastewater facilities must submit a copy of the small Public Sewage System/Small Water System Evaluation form from the Oklahoma Department of Environmental Quality. The form must state that the facility is operating within acceptable parameters from the Oklahoma Department of Environmental Quality. (See Section V.u. Water and Wastewater) [310:257-9-1, 9-4]

iv. Upon receipt of a complete application, the inspector is responsible for technically reviewing and approving or denying the application [310:257-15-6] in writing within 30 days [OAC 310.2-11-4(c)].
A In instances where an establishment is identified in operation without licensure or prior plan review/approval, inspectors will work directly with the establishment to come into compliance with any application requirements. (refer to V.g. “New Establishments Operating w/out Licensure”)
B If incomplete/denied, the inspector will email or mail the applicant a written notice using the agency template (Attachment C) that includes: [310:57-15-18]

1 The specific reasons and Chapter citations for the license denial;
2 The actions, if any, that the applicant must take to qualify for licensure.

v. If approved, the establishment may commence/complete the proposed construction/modification. The inspector will email or mail the applicant a written approval using the agency template (Attachment D).

vi. Prior to opening the establishment, the Person in Charge (PIC) will arrange a pre-operational inspection for licensure of the establishment with the inspector. [310:257-15-11]

A Depending on the expected timeframe necessary to complete the plan review specifications, the inspector should include a calendar reminder a few weeks after their estimated completion timeframe to follow-up with the establishment. This is to ensure the establishment has not started operations without notification or to help gauge a final completion timeframe.

d. Verification of Ownership

i. During the plan review process and prior to issuance of a license application, the inspector will determine proper ownership.
   A Individual Owner – A completed Affidavit of Lawful Presence shall be submitted along with a photocopy of the owner’s government issued ID.
   B Corporate Ownership – If the license is to be issued to a Legal Entity the entity must be registered with the Oklahoma Secretary of State. If not provided with the application, the inspector may obtain this information at https://www.sos.ok.gov/corp/corpInquiryFind.aspx. The screen generated shall be printed by the inspector and included in the establishment’s license file which will identify:
      1. Filing details (note: the entity must have an active status to be considered in good standing and receive a license)
      2. Registered agent information

e. Issuing a New/Initial License

i. After the Plan Review application has been approved, the inspector will coordinate a preoperational inspection for licensure with the establishment. (In some instances this may be completed while onsite if a new establishment is identified already in operation.)
   A If the inspection passes at a minimum virtual compliance, then the purpose of the inspection should be documented as (3), “Issue License Application.”
      1 Inspectors should notify the establishment to provide updates on any minor compliance issues that may be verified with a receipt, picture or other form of documentation accepted by the inspector.
   B If the establishment still requires updates to be in compliance, which cannot be corrected during inspection or needs onsite verification of completion, the inspection should be documented as “Other,” and another inspection will be required to approve licensure.

ii. The inspector is to fill out ODH form #828, New License Application, after the initial inspection for licensure has been found acceptable.
   A The white copy is to be given to the owner of the establishment to be mailed to Consumer Health/Occupational Licensing along with the appropriate fee within four (4) business days (address is on the form).
B The **yellow copy** is for the applicant.
C The **pink copy** is to be filed at the County Health Department.

iii. The inspector will direct the establishment to the website or provide a copy of a CD (if supplies available) where the following information will be made available:
   A Appropriate food regulations ([310:257-15-19(a)])
   B The employee Illness Reporting Agreement ([310:257-3-4(b)])
   C The employee Illness Interview Form ([310:257-3-4(b)])
   D Educational materials and decision trees or algorithms regarding employee exclusion or restriction ([310:257-3-5(b)])

NOTE: These regulations, tools and forms are available online at: [https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/Foods/Forms.html](https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/Foods/Forms.html)

iv. The inspector has three options once the license application is entered:
   A Verify or lookup the license information previously entered from a plan review application – writing the license number on the license application form,
   B If not found in the database, enter into CPSQL (with correct risk/status of H, M, L or S & inspector assignment) – writing the license number on the license application form, or
   C Request assistance as needed from central office staff to input the data – at which point the license number may or may not be known (include on the license application form if known)

v. Regardless of the data entry choice, the inspector will forward (scan/email or fax) a copy of the signed ODH Form #828 licensing application to Consumer Health/Occupational Licensing.
   A The submitted, signed ODH Form 828 will notify Occupational Licensing (OL) that a license has been issued for a new establishment. OL will then be expecting the licensure fee along with the original ODH Form 828 within about four (4) business days from the date marked (taking into account any backlog in the mailroom and/or finance).
   B The OL administrative staff provide quality assurance, upon receipt of the license from the inspector (i.e. fax or email), and will:
      1 Verify entry into CPSQL (or enter if not already entered)
      2 Make necessary updates including:
         • Proper pending status
         • Risk status High, Medium, Low or School
         • Inspector assignment, and
         • Hold until payment.

(NOTE: Pending licenses may be pulled by report to show who still has outstanding payments. Inspectors should review this report monthly to determine if all applications issued have submitted payment.)

vi. Upon receipt of money, OL administrative staff will enter the payment and should double-check to ensure all information is updated correctly.

vii. The inspector will then begin routine inspections on the facility at the required frequency.

f. **Change of Ownership**
   i. Establishments changing ownership must contact the inspector to notify them of the change, and then follow sections “V.c. Plan Review” and “V.e. Issuing a New/Initial License” procedures provided above.
      A The Plan Review Application fee may be waived as long as:
         1 There have been no major changes to the facility layout or equipment; or
2 There have been no changes to the type of food service establishment or food operation. [310:257-15-6]

ii. The inspector must complete an ODH Form 541 & 542 for the previous business and mark it as “Out Of Business” (OOB). The inspector must then enter an OOB inspection in CPSQL for the old establishment.

iii. If during a routine inspection the establishment is found to be operating under new ownership without the inspector’s knowledge & has not submitted the appropriate notice for licensure, follow “V.g. New Establishments Operating w/out Licensure” (with the exception of the Plan Review Application fee if it meets the stipulation/exemption in f.i.A.1-2 above).

g. New Establishments Operating w/out Licensure

i. New Establishments must contact the Health Department and comply with the application for licensure procedures starting with a plan review application. [OAC 310:257-15-6] Operation of a food establishment without a license is in violation of state law. [Title 63 O.S. § 1-1118]

ii. However, if an establishment is found to be operating without a valid license, the inspector should work with the owner/operator to get proper paperwork filled out as soon as possible (same day if possible) and conduct a full inspection.
   A At a minimum the inspector should mark violation #1, “Valid license to operate,” on ODH forms 541 & 542 as well as any other violations noted in the establishment.
   B The inspector shall also request the owner cease operation until they have been properly licensed IF unable to come into compliance with Chapter 257 and be licensed that same day or show a virtual compliance.

VIRTUAL COMPLIANCE – an administrative term used to identify a situation where at the license application inspection an establishment would be able to operate in a safe, sanitary fashion but may still be in violation of some minor regulatory requirements which based on the inspectors professional judgment will not present a likely risk of danger to the public and that will be corrected within an agreed upon timeframe. An establishment in Virtual Compliance can be considered eligible for licensure but must quickly correct the violation. Examples include but are not limited to: lack of hand wash signs at hand sinks, uninstalled towel or soap dispensers, minor gaps in exterior doors with no vermin signs, limited unfinished surfaces in non-food preparation or restroom areas, lack of self-closures on restroom doors, unshielded lights, etc.

iii. In addition to the full inspection, the inspector shall follow procedures outlined in “V.c. Plan Review” and “V.e. Issuing a New/Initial License”.

iv. The inspector will notify the Quadrant Sanitarian Manager and upon their approval e-mail or fax the ODH Forms 541 & 542 to the OSDH Consumer Protection Division (CPD) – Enforcement Program.
   A If the establishment is cooperating with the inspector to obtain licensure, the enforcement program will hold the forms for two (2) weeks and follow-up with licensing and the inspector to ensure licensure and payment. If no payment is received, enforcement will move forward to request a Cease and Desist Order from the Office of General Counsel.
   B If the establishment is unable to comply or refusing to comply with ceasing operations and/or obtaining licensure, the inspector and Quadrant Sanitarian Manager will notify CPD to immediately start the enforcement request for Cease & Desist.

h. Variance

i. A variance is a specific food process outlined in OAC 310:257 or a modification or waiver. [310:257-5-63, 310257-15-3]
ii. The applicant shall submit the variance request on a separate form from the plan review application. The form is available online at chs.health.ok.gov or upon request from the health department.

iii. Inspectors may refer to the CPD Food Establishment Variance Procedure on how to submit a variance request and also what to look for during an inspection where a variance is noted.

i. **Conducting Inspections at Facilities with Multiple Licensure**

   i. To ensure a more efficient use of resources and time, inspectors should make every effort to conduct all necessary inspections on one visit at establishments that have more than one license.

   ii. Examples include:

      A. Food court with multiple food establishments onsite
      B. Hotel with a lodging, pool/spa and/or food license
j. **Inspector Inspection Steps (The inspector will . . .)**
   i. Review all applicable rules, and previous inspection(s)/previous violation(s) for the establishment.
   ii. Collect all necessary equipment to conduct the inspection (i.e. thermometer if needed, forms, hair nets as needed, etc.)
   iii. Upon arrival to the establishment, approach the manager or person in charge (PIC) and identify yourself and advise the purpose of your visit.
      A  Denied Access - If access is denied, the inspector is to:
         1  Inform the person in charge (PIC):
            - That the license holder is required to allow access to the regulatory authority during hours of operation and other reasonable times. [310:257-15-23]
               o Other reasonable times include when employees are present.
            - An order by the appropriate authority allowing access, hereinafter referred to as an inspection order, may be obtained according to rule; [310:257-15-24]
         2  Make a final request for access
         3  If access is still refused, document on the inspection form that access has been denied by the PIC (name) and e-mail or fax the inspection forms to the Consumer Protection Enforcement Program to apply for the issuance of an inspection order to gain access as provided by rule. [310:257-15-25 & 26]
   iv. Ask the PIC to accompany you during the inspection. Emphasis should be placed on the priority and priority foundation violations that relate to those factors that may lead directly to foodborne illness.
      A  If owner on the Tax ID or other document is different, an ownership change has likely occurred which may require a plan review (refer to V.d. Plan Review above) and will require a new initial license.
   v. Complete the heading information on ODH Form 541:
      A  Inspection Date
      B  Inspection Time
      C  County – 2 digit county number
      D  Establishment number
      E  License expiration date (as observed on the visible license)
      F  Type of licensure
      G  Class of licensure
      H  Priority
      I  Purpose of inspection [these are subject to change based on future database capabilities – see section n. “Documenting Inspections (Data Entry)”
         1  1- Routine
         2  2- Compliance
         3  3- Issue license application
         4  4- Complaint
         5  5- Other
         6  6- Out of business
         7  7- Follow-up activity
         8  8- Reserved
      J  Establishment name, exactly as it is listed on the OSDH license
      K  Owner name, exactly as it is listed on the license.
      L  Physical Address, exactly as it is listed on the license.
      M  Phone number of the establishment.
vi. Record any changes to be made in the comments section (name change, change in mailing address, error on the license, phone number)
   NOTE: Name or address changes may likely be linked to ownership changes. A new license may be required.

vii. Review the menu and other information about the facility, to assist, during the inspection.

viii. Record a minimum of one internal food temperature per hot and cold unit on the inspection form. Document the location and temperature of each food item measured, regardless if the item temperature is in violation or not. (Refer to Appendix F. Calibrating Small Probe Thermometers to ensure proper use of temperature measuring devices.)

ix. Document each item not in compliance on the inspection form by writing the observation or the measurement that led you to determine it is a violation. Be sure to specifically inspect previous violations cited to ensure there are no trends or recurring violations.

A Document observations not conclusions.

1 Correct way (observations)
   • “Chicken on steam table has a temperature of 125°F.”
   • “Kitchen floor has a collection of ¼ inch of food debris and dirt under all equipment”

2 Wrong way (conclusions)
   • “Food must be kept above 135°F”
   • “Clean kitchen floor”

x. Discuss with the PIC any appropriate questions about food handling practices and hygiene that have been observed and any corrective actions that need to be taken.

A Should the violation be corrected during the inspection, the PHS is to write CDI in the “Correct By” column and write who and how the violation was corrected to place the violation in compliance.

1 Correct way
   • “Clean cups are being stacked wet in the cabinet above the prep table – PIC removed cups and placed in 3 compartment sink to be washed” CDI

2 Wrong Way
   • “Clean cups are being stacked wet in the cabinet above the prep table- (correction language left blank - no corrective action was identified)” CDI

xi. If a violation is cited and not corrected during the inspection, advise the establishment whether a re-inspection or follow-up activity will be conducted (see j. Re-Inspection Steps & k. Follow-up Activities – depending on the decision of the inspector).

A Ensure the inspection form identifies the responsible party, corrective action and date of correction:

1 Correct way
   • “The handwash sink in the wait station area does not have hot water. - PIC stated the hand sink will be supplied with hot water by Feb. 1, 2016”

2 Wrong Way
   • “The handwash sink in the wait station area does not have hot water” - (agreed correction language left blank - no corrective action was identified) “by Feb 1, 2016”
xii. Check the OSDH license (visible on the wall) and determine if the license is current and the owner of the establishment is the same owner on the Oklahoma Sales Tax ID or other government issued permits posted. It is recommended to locate the license after the tour of the establishment to jump right into the inspection and not waste too much time searching (if the license is not clearly visible on the wall).

xiii. Sign the report and have the PIC sign the report.
   A Yellow copy to PIC
   B White copy back to office for data entry and filing
   C Explain that by signing the report, the individual is acknowledging only receipt of the inspection report. \[310:257-15-29\]

xiv. Enter inspection into CPSQL within ten (10) business days at the latest, or turn inspections into designated personnel by next business day to be entered into CPSQL.

xv. File all inspection reports in the establishment’s file.

k. **Recurring Violations**
   A violation is not considered recurring IF it’s just the same number violation.
   i. Equipment or Physical Facility violations must be the same issue to be considered a recurring violation.
      A Recurring
         1 The same walk-in freezer is marked on two consecutive inspections. Both citations report the broken door handle.
      B Not recurring
         1 The back door exhibited a ½” gap which sunlight could be observed shining through on one inspection; yet on the re-inspection a window was broken. Both fall under the same violation yet are two different physical attributes which they must be given an equal chance to correct.
   ii. Process violations may be similar in manner, and not exact, to be considered a recurring violation.
      A Recurring
         1 Employee observed not washing hands prior to working with ready-to-eat foods; on the re-inspection, employee (different from the first) is observed not washing hands after handling raw meats. (In this instance, it does not have to be the same employee observed.)
      B Recurring (another example)
         1 Prep counter exhibits a thick accumulation of grease; on re-inspection, bread station counters exhibit crusted food substance, black in nature. (In this instance, proper cleaning practices/processes have not been used.)

l. **Follow-up Activity**
   A follow-up activity is not an on-site visit, rather it is additional documentation that may be submitted to the inspector by mail, email or other acceptable form of transmission.
   i. A follow-up activity can be any off-site action that can demonstrate correction of a hazard. This may include any of the following documents or actions which are completed/organized by the establishment and provided to the inspector:
      A A completed ODH Form #823,
      B A receipt or bill, (keep in mind, an estimate or a quote from a company does not demonstrate completion),
      C A verification from a service or maintenance company, or
      D Any other verifiable action or documentation the inspector deems as in compliance.
ii. If the inspector does not receive any requested follow-up to verify compliance of a violation, a re-inspection should be conducted.

iii. All follow-up activities must be noted on an inspection form. The type of action will be Follow-up Activity.

iv. Follow-up activities shall be entered into CPSQL as a “Follow-up Activity” using the date of completion or final receipt of all requested follow-up activities.

m. Re-Inspection Steps

A re-inspection is an onsite inspection which focuses on the previous violations cited.

i. Re-inspections occur following a routine or complaint inspection that has violations not corrected during inspection (CDI) and as deemed necessary by the inspector.

ii. Follow “V.i. Inspector Inspection Steps” above:

A Focus on the each repeat violation (all violations marked on the previous inspection report) during inspection; ensure each is addressed

B Only document additional violations if observed while verifying previous violations (the re-inspection is not intended to be a full, routine inspection); however, detrimental violations that are clearly visible should be noted.

iii. During the re-inspection, the inspector is to verify that previously cited violations have been corrected:

A Priority and priority foundation items should be corrected DURING the inspection; however, considering the nature of the violation and complexity of the corrective action, the Department/inspector may allow the establishment a longer timeframe NOT to exceed 10 calendar days [310:257-15-34(b)].

B Core items should be corrected by an agreed upon date but no later than 90 calendar days after the inspection. [310:257-15-36(b)].

C While dates above are outlined in rule for the establishment to correct, to account for distance, staffing, work load and resources, the inspectors verification frequencies are outlined above (IV.e. Compliance Activity Frequencies).

1 P/Pf – no more than 20 days after date of inspection if onsite inspection is necessary

2 Core – no more than 20 days after agreed upon correction date or by next routine inspection; if a repeat core violation on next routine inspection then no more than 20 days after date of inspection if onsite inspection is necessary.

iv. If violations have not been corrected by the specified time, another re-inspection or follow-up activity may be decided upon by the inspector to verify correction of the recurring violations OR a risk control plan may be provided as an option to gain control of hazards. Any recurring violation shall be marked as a repeat violation.

A The 541 form has a column (“R”) to denote if a violation marked is a recurring/repeat violation from the previous inspection. (See o. Recurring Violations)

n. Risk Control Plans

Risk control plans are further defined in the Food Enforcement procedure. It is an agreement and an outlined plan for the establishment to follow to correct hazards over a 14 day timeframe (which may be extended to another 14 day timeframe based on good faith effort deemed by the inspector).

i. On a re-inspection, if the establishment has not corrected a repeat violation, the inspector may offer a risk control plan to educate the establishment on the control of the hazard. (NOTE: an inspector may also offer a risk control plan following the
initial complaint or routine inspection; it is just typical practice to allow the establishment to correct the violation using their own practices first.)

A If the person in charge refuses to agree on a plan, the inspector shall submit the previous inspections citing the repeat/recurring violations to the Quadrant Sanitarian Manager for review and approval to request enforcement action.

B If a plan is agreed upon, the inspector should conduct a re-inspection some time shortly after the end of the agreed upon timeframe.

ii. Template risk control plans are available for common violations or the inspector may create a written risk control plan that identifies the code violated (the hazard) and its requirement, a description of the action necessary to control the hazard, and any corrective action to take when limits are exceeded. These templates are available online at: https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/Foods/Forms.html

iii. If, upon a second re-inspection, violations have not been corrected but effort has been made (observable by the inspector) to correct based on the agreed plan, the inspector may extend the risk control plan. Refer to CPD Enforcement Procedures.

iv. If, upon a second re-inspection, violations have not been corrected and no or inadequate effort has been made, the previous inspections should be submitted by the inspector to the Quadrant Sanitarian Manager for review and approval to request enforcement action. Refer to CPD Enforcement Procedures.

o. Training & Outreach

While inspections are a large portion of an inspector’s job duties, the overall goal is to help educate establishment owners and their employees on the prevention of health hazards and cross contamination. Below are some tools inspectors may choose to use.

i. Food Schools - the central office will work to prepare and provide a template training program but local county health departments may also create a training program to help address specific issues within their areas. Local offices may provide training at their offices or may make allowances to offer training onsite as needed.

ii. Website - the retail food website is available at http://food/health.ok.gov

iii. Handouts – most handouts are available on the website*

iv. Assistance Requests / Walk-thrus - licensed establishments and applicants are encouraged to contact the local county health inspectors if questions arise and ask for assistance as needed

v. Monitoring or Self-Inspection Templates*- tracking sheets to assist licensed establishments; examples are available on the website

vi. Risk Control Plans*- a written agreement to outline steps to take in controlling hazards may be proposed by the inspector as needed; examples are available on the website

*Web Resources - https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/Foods/Forms.html

p. Refusal to Sign Inspection Report

i. If the PIC refuses to sign the inspection form the inspector should:

   A Explain to the PIC acknowledgment of receipt or signature does not signify an agreement with findings (i.e. by signing, the PIC does not have to agree with the report – just that it was received).

   B Explain that refusal to sign the inspection form will not affect the license holder’s obligation to correct the violations within the time frames specified

ii. After explaining, the inspector will make a final request for signature. If still refused, note the PIC’s refusal on the 542 inspection form.

iii. Signed or not, give the yellow copy of the inspection form to the PIC.
q. **Documenting Inspections (Data Entry)**

In an effort to more fully document the result and outcome of all OSDH inspections, tracking fields have been identified that are yet to be incorporated into a database system. Items in italics are NOT in place to track as of 7/27/2016 but the process has been identified and steps are being taken to make these updates.

i. Inspectors (or designated clerical staff) should enter inspections into the CPSQL database within ten (10) days from the date of inspection.
   
   A An exception to this timeframe is the Initial License Inspection since the license must be mailed in and sometimes can be months before a facility submits payment. In these instances, the inspection should be entered into the CPSQL database within ten (10) days of the license application being entered.
   
   B If clerical staff are designated, inspectors must turn in inspection reports by the next business day to the assistants.

ii. The following items shall be included in the data system:
   
   A Date of Inspection
   
   B Sanitarian ID number
   
   C Violation numbers cited (if any)
   
   D Type of Inspection (i.e. Action)
   
   E Status of the Facility after the Inspection
   
   F Disposition of the Inspection

iii. Where the Purpose (Action or Type) of Inspection is:
   
   A “1-Routine” = normally scheduled inspections
   
   B “2-Compliance Re-inspection” = onsite inspection conducted after a routine/complaint to review specific citations cited in the routine or previous inspection
   
   C “3-Issue New License” = full inspection that approves an establishment for operation
   
   D “4-Complaint / Full Inspection” = response to a complaint but a full or routine inspection is conducted as well
   
   E “Complaint / Specific” = inspection focused specifically on the complaint
   
   F “5-Other” = pre-operational inspections; educational, on-site activities such as a walk-thru, or currently used for operator unavailable
   
   G “6-Out-of-Business” = Action taken to verify an establishment has permanently closed; maybe drive-by, phone-call, or verification received in writing to establish and document closure
   
   H “7-Follow-up activity” – An action taken to review additional information submitted or a phone-call; not an actual on-site visit
   
   I “Enforcement” – An NOV, ACO, or AAAP inspection as scheduled by central office
   
   J “Operator Unavailable” – Record of having physically driven to establishment to conduct inspection and facility closed during normal operating hours
   
   K “Evaluation” – effort of management to review and evaluate inspections to ensure consistent application of the inspection process across the state; this would include look-back reviews and accompanied inspections and may even be used for file reviews
   
   L “Training/Assistance” – effort of the inspectors to either provide training to an establishment or conduct an educational walk-thru of the establishment to assist in identifying hazard controls

iv. Where Current Status documents the outcome of the inspection such as:
A “Satisfactory” = inspection passes with either no violations or minimal whereas an inspector/technician makes a decision that a follow-up or re-inspection is not required
B “Not Compliant” = where the inspection identifies violations that the inspector deems a follow-up activity or re-inspection is required
C “Out-of-Business” = action determined the facility was out-of-business
D “Unavable” = the establishment was not open for inspection
E “Access Denied” = where an establishment denied access to inspect

v. Where Final Disposition identifies what the outcome was for the inspection or activity:
A “Routine Continue” = upon an inspection passing or being Satisfactory, the establishment returns or remains on the Routine inspection schedule
B “Pending” = some sort of compliance action is required which may be pending an inspection or pending enforcement; this should be used on most inspections or actions requiring compliance activities unless the facility is closed for an imminent health hazard
C “Enforcement” = when an inspection remains in a non-compliant status and the inspector submits for enforcement
D “Imminent Health Hazard Closure” = If an establishment fails based on and imminent health hazard; this disposition documents a temporary closure
E “Revocation” = upon completion of enforcement, if the Commissioner of Health or Administrative Law Judge revokes the license
F “Out-of-Business” = records the establishment as closed

r. Imminent Health Hazards – Documentation & Actions
   i. Imminent Health Hazards are identified in OAC 310:257-15-32:
      A Fire,
      B Flood,
      C Sewage backup,
      D No hot water in facility,
      E Insufficient refrigeration,
      F Insufficient hot food storage,
      G Substantial evidence or presence of large number of insects or evidence of rodents in food or on food prep surfaces,
      H Interruption of safe potable water supply,
      I Misuse of poisonous or toxic materials,
      J Onset of an apparent foodborne illness outbreak,
      K Interruption of electrical service for more than 4 hours,
      L Severe structural damage,
      M An employee working with Salmonella, Shigella, E. coli 0157: H7 or Hepatitis A infection,
      N Gross unsanitary occurrence of condition, or
      O Other circumstance as determine by the Commissioner of Health or his designee that shall endanger public health
   
   ii. The licensed establishment is responsible for discontinuing operations affected by the above hazards.
   iii. If during an inspection the inspector identifies these hazards while the establishment is in operation the inspector should:
      A Instruct the establishment to cease operations,
      B Instruct the establishment to correct the imminent health hazard,
      C Mark the correct violations on the 541 & 542,
D Adhere a pink, imminent health hazard sticker on both the white and yellow copies of the 542 (if the sticker supply is limited, the inspector may write on the 542 “Sticker on Yellow Copy” and then place the sticker on the yellow copy only; if no stickers are available then the inspector must write the statement on the 542 – see “Appendix H – Imminent Health Hazard Notice”), and

E Notify the Quadrant Sanitarian Manager/Supervisor and Regional Health Director of the hazard and the ceasing action of the establishment.

iv. The inspector should make an effort to re-inspect same day or within the next two (2) days if the establishment has not made contact to request an inspection.

v. If the establishment refuses to close, or is observed in operation after the inspection without compliance, the inspection report should be sent to Consumer Protection enforcement to follow the enforcement process.

A The inspector should also include notice to the Quadrant Sanitarian Manager/Supervisor and Regional Health Director.

s. **Enforcement**

If a food establishment continues to have repeated violations without correction within the agreed upon time or is operating without a license, see CPD Retail Food Enforcement Procedures #E-01.

t. **Evaluation**

i. Retail Food Establishments - Quadrant Sanitarian Managers or supervising Public Health Specialist IV’s have the following on their annual performance requirements:

A A minimum of three (3) food establishment file reviews for each employee.

1 A file review shall be a random selection of a completed inspection report and may include any food facility.

2 An evaluation checklist is available to ensure accurate and consistent inspections are being conducted.

3 The inspection forms shall be compared to the CPSQL database to ensure correct data entry.

4 File reviews should be separate inspections completed by the inspector alone and not reports completed during an accompanied inspection.

B A minimum of one (1) food establishment accompanied inspections for each employee which may include a routine, re-inspection or enforcement inspection in any food facility. An accompanied inspection may also be completed by a central office subject matter expert such as one of the Training Officers.

1 The supervisor or subject matter expert will sign the inspector’s inspection report – a separate report should not be entered into the database.

C A minimum of two (2) lookback inspections, one routine and one new. A lookback inspection is typically conducted by the Quadrant Sanitarian Manager or supervising Public Health Specialist IV shortly following the inspector’s most recent routine inspection. It is not anticipated to be an accompanied inspection, rather the supervisor should be comparing the report to current situations to see if any outstanding issues may have been overlooked, especially physical attributes to an establishment such as no mop sink on a newly licensed establishment.

1 A routine lookback inspection shall be a random selection of a recently, completed inspection, within the last 30 days.
2 A lookback inspection is to be performed without the presence of the assigned inspector or at the very least without the participation of the assigned inspector – simply to conduct a comparison inspection from the previous inspection report.

3 All data entry of the previous report shall also be reviewed, similar to a file review (but not listed as a file review).

4 The supervisor or subject matter expert’s report, if entered into the database, shall be marked as an evaluation inspection; not as a routine inspection.

ii. General / Central Office
   A The Consumer Health Service director will conduct a comparison review annually of the previous fiscal year’s violations. (Anticipated meeting/review will be July-September.)
      1 The top five (5) violations will be identified and evaluated by leadership staff and partners during a Quadrant Sanitarian bi-monthly meeting.
   B The Consumer Health Service will conduct a comparison of violations cited in each county and review any county that is well above or well below citing violations in comparison to other counties.
      1 Information will be discussed and evaluated annually to identify any training needs or recognize best practices that may be occurring.
   C The Consumer Health Service administrative staff will conduct random phone surveys for a minimum of one inspector per week, time permitting, on establishments inspected within the past two to three weeks for a minimum of five completed surveys – See Attachment B for Inspection Phone Survey. This tool is used if problems or issues arise where inspections may need to be evaluated in this manner.
   D The Consumer Health Service, to ensure inspection frequency mandates are tracked, will prepare a quarterly report for Protective Health Services following the outlined procedures in the CHS Mandate Reporting Instructions.
   E The Consumer Health Service Director will prepare statewide No Inspection reports from the CPSQL system.
      1 The reports will be separated by county, regional health director and employee.
      2 The report will be generated at a minimum once in April and May and more frequently as needed in June to ensure all retail food establishment mandated inspections are completed.
      3 The report will be sent to the Quadrant Sanitarian Managers, Supervising PHS IV’s, CPD Program Manager, PHS Deputy Director and Community Health Services Deputy Director to then be disseminated to Regional Health Directors as needed.
      4 Quadrant Sanitarian Managers are responsible for further sharing the establishments still on the no inspection report to ensure data entry, coordination of resources, and completion of mandates by June 30.

u. Water & Wastewater
   The Department of Environmental Quality regulates water and wastewater disposal.
   i. Inspectors must validate a food establishment is operating with an approved water source and wastewater disposal.
   ii. A public water system can be verified by a water bill showing service to the establishment’s address.
iii. A minor system (well) can be verified by using the DEQ Drinking Water Branch website, http://sdwis.deq.state.ok.us/DWW/.
   A The inspector should either be looking up the latest test results on this website or requiring a copy of the sample results from the establishment.

v. **Jail Inspections**
   These are not to be confused with prison inspections.
   i. UNLESS a jail has a publicly accessible food establishment, Consumer Health Service and local county inspectors will NOT license or inspect.
   ii. These establishments are inspected fully by the jails program in Health Resources Development Service (HRDS).
      A Similar to prisons and juvenile justice facilities, the jails program submits all inspection results to the regulatory authority for all oversight and enforcement.

VI. **RESOURCES**

**Equipment:**
- Calibrated Small Probe Thermometer
- Sanitizing wipes
- Chemical Test Strips
- Temperature Indicator Strips
- Flashlight
- Camera
- Hair restraint

**Forms:**
- ODH 541, 542-Food Service Inspection Sheets
- ODH 457-A Complaint Investigation Form
- ODH 546-Voluntary Destruction Form
- ODH 552 & 554-Embargo and Embargo Release
- ODH 823-Follow Up Activity Form
- ODH 824-Plan Review Application
- ODH 828-New License Application
- ODH 356 - Variance Form
- Temporary Food Establishment License Application
- Plan Review unapproved/incomplete letter template
- Plan Review approval letter template

**Literature:**
- Chapter 257 Food Service Establishment Regulations,
- 2013 FDA Food Code Annex
- CPD Retail Food Enforcement Procedures #E-01
- CPD Variances & Modification for Food Establishments Procedure #F-08
- Establishment Construction Guides
VII. STAKEHOLDERS/PARTNERS
- County Health Departments
- Oklahoma City-County Health Department
- Tulsa Health Department
- Consumer Health Service
- Consumer Protection Division
- Oklahoma Department of Agriculture, Food & Fire Arms
- Food Service Advisory Council
- Oklahoma Restaurant Association
- Food Service Establishments
- Oklahoma Department of Environmental Quality
- Food & Drug Administration

VIII. COMMUNICATIONS
Local inspectors will communicate with applicants and license holders in person at the time of the inspection. Phone and email may also be used to schedule initial inspections and routine inspections if a mobile is not identified operating during events.

Proposed updates or corrections to this Procedure shall be e-mailed to ConsumerHealth@health.ok.gov.

Official updates to this Procedure shall be e-mailed annually (if any) to Regional Directors and Supervisors for distribution to staff prior to being sent for approval upon final updates.

Consumer Health Service will compile summarized inspection, compliance and enforcement data and publish annually in the Protective Health Services annual report as well as make the information available on the OSDH website.

Upon evaluating the inspection data annually to determine trends and top violations, the Consumer Health Service will provide public updates on the OSDH social media page.

IX. REFERENCES
- Chapter 257 Food Service Establishment Regulations
- 2013 FDA Model Food Code and Annex

X. ACTION
The director of the Consumer Health Service is responsible for ensuring the review of this procedure at least once every 36 months.

The director of Consumer Health Service is responsible for developing an annual report of the results of implementation of this procedure. The report must summarize complaints, enforcement activities, and compliance with the procedure. The report must include patterns, trends and compliance with law and rules. The report must include documentation of debriefings or other methods to evaluate what worked well, problems that arose, issues and recommendations in investigation/response procedures, and other process improvement to this procedure. The information must be shared with the stakeholders involved in the enforcement of this procedure. The director of the Consumer Health Service will ensure that other stakeholders inform the Oklahoma State Department of Health about patterns, trends and compliance in enforcement actions taken under the stakeholders' authority.
Any exceptions to this procedure must be requested in writing to the Director of Consumer Health Service via the ConsumerHealth@health.ok.gov inbox and require final written approval of the Deputy Commissioners prior to change.

**XI. RECORD OF CHANGES**

<table>
<thead>
<tr>
<th>Section Updates</th>
<th>Notes</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial</td>
<td>New format and capture of all routine food inspection procedures</td>
<td>Routed for initial signature October 2018</td>
</tr>
</tbody>
</table>

**XII. APPENDICES**

A. Summary Inspection Steps  
B. Inspection Phone Survey  
C. Unapproved Plan Review Application Template  
D. Approved Plan Review Application Template  
E. Risk Based Assessment Tool  
F. Common Restaurant and Establishment Type Risk & Frequency  
G. Calibrating a Small Probe Thermometer  
H. Imminent Health Hazard Notice (language)  
I. Chapter 257 Violations & Fine Structure
Appendix A - Inspection Checklist

1. Prior to arrival, review previous inspection(s); make notes of all previous violations not corrected during inspection
2. Collect all necessary equipment & forms
3. Identify and make introductions to the Person In Charge (PIC)
4. Verify owner; note any name/owner changes on 542
5. Review menu and/or ask if any changes to menu
6. Conduct walk-thru inspection
   a. Take food temps & record on 542
   b. Write down clear, understandable, concise OBSERVATIONS on 542 – Include for each observation noted:
      i. “CDI” (Corrected During Inspection), who & the corrective action, and/or
      ii. Fix by date/days & corrective action recommended
7. Fill out ODH 541 & 542 headers
   a. Verify license expiration – write expiration date of license posted (visually observed)
8. Discuss and educate PIC on all observations and corrective actions (& fix by date/s)
9. Advise of re-inspection requirements on all violations not CDI
   a. Priority/Priority Foundation – within 10 days
   b. Core – within 90 days
10. Inspector and PIC to sign inspection report
    a. **Yellow copy** to PIC
    b. **White copy** back to inspector office for data entry
11. If a FIRST RE-INSPECTION
    a. Repeat steps 1-7
      i. During Step 6 – Focus & verify correction on all previously noted violations
      ii. During Step 6 – Be sure to write down clear, understandable, concise OBSERVATIONS on violations previously observed - and where possible, use the same/similar language to further justify a repeat violation
    b. Offer risk control plan option(s) if violations repeated
      i. If a risk control plan is refused – send paperwork to Quad San for enforcement
12. If a SECOND RE-INSPECTION
    a. Same as Step 11a
    b. Verify follow-thru and improvement with risk control plan
      i. Continue risk control plan if effort made but more action still needed
      ii. Close if all violations corrected
      iii. Send paperwork to Quad San for enforcement if no effort or corrective action taken and if repeat violations continue to exist
13. Following each inspection conducted, enter in each inspection result in CPSQL within ten days (initial licensing inspections to be entered within 10 days of CHS receiving payment and entering new establishment into database)
Appendix B – Inspection Phone Survey

1. CHS supervisory staff will randomly select one or two inspectors each week for evaluation.
2. The detail Inspection report will be pulled from CPSQL for two weeks just prior to the evaluation.
3. A minimum of five (5) inspections (which may be a combination of food, pool, and lodging) will be selected.
4. CHS administrative staff will be assigned one (1) or two (2) calls to make during the week.
5. CHS administrative staff will collect information in the Inspection Validation Survey database and flag any phone-call that:
   a. Shows a large discrepancy in time from the actual last inspection date noted in the database as compared to the response collected to question #3, and/or
   b. Collects any outstanding, negative response to an inspector’s personal behavior
6. CHS supervisory staff (or designee) will prepare a response at the beginning of the following week to Quad San Managers denoting responses to #3 and additional comments ONLY and whether or not there were any flagged issues.
Appendix C – Template Language – UNAPPROVED Plan Review Application

- Per 310:57-15-18, written notice must be provided to the applicant. As such, the following template language should be used for identifying incomplete/unapproved application items. This may be copied and pasted into a word document on the MOST RECENT letterhead for email or mail, or the language may be dropped directly into an email.

- All items highlighted in yellow should be updated to reflect the correct information.

- The COUNTY letterhead should be used (if the OSDH State letterhead is necessary, the template may be found at: http://irene/_layouts/OSSSearchResults.aspx?k=letterhead&cs=This%20Site&u=http%3A%2F%2Firene).

April 18, 2017

Name
Address
City, OK Zip

RE: Unapproved Plan Review Application for Name of Establishment

Dear Mr./Ms. Applicant,

The plan review application received for the establishment listed above was reviewed to assure conformance with public health codes, ordinances, and regulations pertaining to food establishments. The following items were identified as incomplete or missing:

Item 1. A handsink was not located in the food preparation area.

310:257-9-23. Location and placement, handwashing facilities
A handwashing facility shall be located:
(1) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and;
(2) In, or immediately adjacent to, toilet rooms.
[Source: Added at 23 Ok Reg 2358, eff 6-25-06]

At this time, the plans for the establishment are not approved. Please submit the additional information, corrections and/or clarifications. Please be advised, these items must be submitted and approved prior to licensure.

Thank you,

Your Name, RPES/RPS #xxx
Public Health Specialist
XX County Health Department
Youre-mail@health.ok.gov
Cell 555.555.5555
Office 555.555.5555
Fax 555.555.5555
Appendix D – Template Language – APPROVED Plan Review Application

- Per 310:57-15-18, written notice must be provided to the applicant. As such, the following template language may be used for notifying the applicant of approval. This may be copied and pasted into a word document on the MOST RECENT letterhead for email or mail, or the language may be dropped directly into an email.
- All items highlighted in yellow should be updated to reflect the correct information.
- The COUNTY letterhead should be used (if the OSDH State letterhead is necessary, the template may be found at: http://irene/_layouts/OSSSearchResults.aspx?k=letterhead&cs=This%20Site&u=http%3A%2F%2Firene).

April 18, 2017

Name
Address
City, OK Zip

RE: Plan Review Application Approved for Establishment Name & Address

Dear Mr. Applicant,

The plans received for the establishment listed above were reviewed to assure conformance with public health codes, ordinances, and regulations pertaining to food establishments. Based on the information submitted, you are approved to start the project.

This is not an approval to operate or open the doors to the public. A final inspection is required at completion of the project. Please contact me to schedule this inspection.

Please be aware, any additions or changes to the submitted plans without prior approval may postpone licensure. Submit any additions or changes, as soon as possible, prior to the final inspection for approval.

At the time of final inspection, please have the following documents completed and available:

1. Affidavit of Lawful Presence.
2. Copy Of Photo I.D. if individual ownership, or Secretary of State paperwork if owned by, LLC, Inc, etc.

If you have any questions or are ready to schedule the final inspection for licensure, please feel free to call or email me at the contacts below.

Thank you,

Your Name, RPES/RPS #xxxx
Public Health Specialist
XX County Health Department
YourName@health.ok.gov
Office 555.555.5555
Cell 555.555.5555
Fax 555.555.5555
This Risk Based Assessment is a two-part process. First identify the category and circle. Second, reading the descriptions, circle the risk (frequency) that correlates most closely to the description.

<table>
<thead>
<tr>
<th>Category / Risk (circle one)</th>
<th>Description</th>
<th>Frequency (circle one)</th>
</tr>
</thead>
</table>
| Complex Food Process **HIGH** | - Serves highly susceptible population (i.e. pre-school aged, older adults or the immunocompromised in a facility that provides care)  
- Conducts special processes requiring variance (eg):  
  - Smoking & curing  
  - Reduced Oxygen Packaging  
- Extensive menu and handling of raw ingredients  
- Complex preparation – cooking, cooling, & reheating  
- Variety of processes require hot & cold holding of TCS food  
- RISK 4 with an acceptable HACCP Plan and/or written Food Safety Standard Operating Procedures | 4* |
| Same-Day (minimal complex) **MEDIUM** | - Limited menu  
- Most products prepared/cooked and served immediately (may include some hot holding & cold holding of product)  
- MINIMAL complex preparation: limited to a few TCS foods for small amount of next day use  
- Schools not serving a susceptible population | 3* |
| No Cook **LOW** | - Serve or sell only pre-packaged non-TCS foods  
- Prepare only non-TCS foods  
- Heat only limited commercially processed TCS foods for hot holding | 1 |

*Limited Time  
**HIGH or MEDIUM**

- An establishment is only operational for about six (6) months or less throughout the year; Include Dates:
  - Est Open Date/Month:
  - Est Close Date/Month: -1 (from circled frequency above)

*Limited Time  
**HIGH or MEDIUM**

- An establishment is only operational for about six (6) months or less throughout the year; Include Dates:
  - Est Open Date/Month:
  - Est Close Date/Month: -1 (from circled frequency above)

Descriptions and risk frequencies are based on Annex 5, Table 1 of the 2013 FDA Food Code.
## Appendix F – Common Restaurant and Food Type Risk & Frequency

<table>
<thead>
<tr>
<th>Establishment Name</th>
<th>Risk</th>
<th>Freq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-Eleven</td>
<td>L</td>
<td>1</td>
</tr>
<tr>
<td>A-</td>
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<td>B-</td>
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<td>I-</td>
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<td>J-</td>
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<tr>
<td>K-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L- Lone Star Steakhouse</td>
<td>H</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Establishment Name</th>
<th>Risk</th>
<th>Freq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>M- McDonalds</td>
<td>M</td>
<td>2</td>
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<tr>
<td>N-</td>
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<td>O-</td>
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<td>P-</td>
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<tr>
<td>Q-</td>
<td></td>
<td></td>
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<tr>
<td>R- Raising Canes</td>
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<td>S-</td>
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<td>T-</td>
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<td>U-</td>
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<td>V-</td>
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<tr>
<td>W-</td>
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<tr>
<td>XYZ-</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Establishment Type</th>
<th>Risk</th>
<th>Freq.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBQ / Bar-B-Que / etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese Buffet</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2018 – A workgroup will be assigned to identify common chains and food establishment types to define risks and frequencies. The list will be generated and updated to this procedure during the next update as a reference tool.
Appendix G. Calibrating a Small Probe Thermometer

Health Department owned Small Probe Thermometers are to be calibrated by the Public Health Specialist at least one (1) time per month, recorded and filed. If during an inspection the validity of the thermometer reading is questioned, the PHS should calibrate the thermometer on the spot while being observed by the PIC. This can be used as a “teaching moment” to educate them as to how and why to calibrate a thermometer.

NOTE: Inspectors should also feel capable of asking PICs to perform calibrations and even temperature checks during the inspection to educate and ensure knowledge of checking vital food temperatures (and also to ensure establishments even have a thermometer onsite).

How to Calibrate Small Probe Thermometers:

i. Cold:
   A  Fill cup with ice
   B  Add enough cold water to remove any air pockets that might remain
   C  Allow the temperature to stabilize
   D  Place Small Probe Thermometer and calibrated thermometer into the center of the ice bath, ensuring that the thermometer is not touching the bottom of the cup
   E  Temperature measurement should be 32°F (±2°F)
   F  Document both readings and any corrective actions that were needed.

ii. Hot:
   A  Boil water
   B  Immerse thermometer about 2 inches into the boiling water insuring that the thermometers are not touching the bottom
   C  Allow the temperature to stabilize
   D  Temperature measurements should be 210°F (±2°F)
   E  Document readings and any corrective actions that were needed.
Based on the observations described in this inspection report an imminent hazard has been discovered. The Oklahoma Administrative Code 310:257-15-32, for food service establishments, requires that a license holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard exists because of an emergency such as a fire, flood, sewage backup, no hot water in the facility, insufficient refrigeration and/or hot food storage facilities available, substantial evidence or presence of a large number of insects or evidence of rodents in food or on food preparation surfaces, interruption of safe potable water supply to the facility, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, interruption of electrical service for more than 4 hours, severe structural damage in the facility, an employee working with a Salmonella, Shigella, E. coli 0157:H7 or Hepatitis A infection, gross unsanitary occurrence or condition, or other circumstance as determined by the Commissioner of Health, or his designee, that shall endanger public health. If operations are discontinued as specified under OAC 310:257-15-32 or otherwise according to law, the license holder shall obtain approval from the Oklahoma State Department of Health before resuming operations.
<table>
<thead>
<tr>
<th>TYPE</th>
<th>#</th>
<th>SUMMARY</th>
<th>CODE</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>1</td>
<td>Valid License to Operate; non-transferable; Mobile pushcarts; Licensed Commissary; Mobile F. S. E. location; visible license; Mobile F.S.E.-Commissary Licenses</td>
<td>15-12; 15-21; 17-2c3 &amp; d2; 17-3b&amp;d; 17-4c&amp;e; 17-5c</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>2</td>
<td>Assignment (PIC present); Demonstration (PIC Knowledge demo); Person in charge (PIC duties)</td>
<td>3-1; 3-2; 3-3</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>3</td>
<td>Treat juice (HACCP); Reduced Oxygen Packaging Criteria; Treating juice (warning label); Molluscan Shellfish Tanks; Conformance w/approved procedures; ROP without a variance; Molluscan Shellfish Tanks Req’s; Variance; Contents; Documentation, justification</td>
<td>5-53; 5-64a; b4, c, &amp; d2; C-E; 5-53; 5-63; 5-64b1, 2, 3, 5, 6; 5-64d1 &amp; 2A, F, G, &amp; H; 5-64d; 3 &amp; 4; 5-64e2, 3, &amp; 4; 7-35b; 15-4; 15-5; 15-9</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>4</td>
<td>Ill Workers-PIC &amp; EMP Responsibility to report Exclusions &amp; Restrictions, Remove adjust, retain; PIC &amp; EMP reporting</td>
<td>3-4; 3-5; 3-6; 3-4c &amp; f</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>5</td>
<td>Clean hands and arms; how and when to wash; Prevent contamination from hands (wash); Where to Wash; Hand Sanitizers; nails trimmed no polish, gloves good repair</td>
<td>3-9; 3-10; 3-12; 3-13; 3-14; 3-15</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>6</td>
<td>No BHC w/ RTE; all methods; Glove Limitation</td>
<td>5-2b1; 5-34a; 5-21c</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>7</td>
<td>Handwashing Facility, installation; water at 100°F; Numbers &amp; Capacities, Location &amp; Placement, Use; maintained, no other purpose; Cleanser availability; Hand drying provision; toilet paper available at toilets</td>
<td>9-14a; 9-18a; 9-23; 9-26; 11-24; 11-25; 11-30</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>8</td>
<td>Approved source, home prepared prohibited Food-Hermetically sealed; Milk &amp; Milk Products, Fish, Molluscan Shellfish; Wild Mushrooms.; Game; Animals, Eggs; Eggs and Milk Products, Pasteurized; Ice; Juice Treated; Ice Used as Exterior Coolant, Prohibited as Ingredient; Water; Approved system- Bottled drinking water; Quality, standards; Non-drinking water; Food Labeling; Juice treated-HACCP system; Sampling-non-community H2O sampled</td>
<td>5-2a,b; 5-3; 5-4; 5-5; 5-6; 5-7a; 5-8a; 5-11; 5-12; 5-14; 5-18a2; 5-28; 9-1; 9-3; 9-4; 9-5; 5-2c-e; 5-18a1; 9-6</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>9</td>
<td>Safe, Unadulterated and Honestly Presented Package Integrity; Separate Distressed Products</td>
<td>5-1; 5-13</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>10</td>
<td>Parasite destruction-fish freezing requirements; Shucked Shellfish, Packaging and Identification; Shellstock-proper labels; 90 day label; frozen records/letter from supplier</td>
<td>5-49a; 5-15a; 5-16a; 5-20; 5-50a &amp; c</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>11</td>
<td>Food Contact w/Equip. &amp; Utensil; Food display; protect self-serve from contamination; Single-service/Single-use; Articles; Required use</td>
<td>5-22; 5-23a; 5-30; 5-41; 5-43a; 7-79; 5-43b&amp;c; 7-55</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>12</td>
<td>Disposition of Returns; Previously Served; Discarding contaminated food</td>
<td>5-44a; 5-70; 11-38</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>13</td>
<td>Private homes and living or sleeping quarters use prohibition; Animals; employee may not touch; no live animals; Prohibiting animals (limitations)</td>
<td>11-21; 3-21a; 11-54a</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>14</td>
<td>Sinks not contaminated with cleaning equip</td>
<td>11-44</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>15</td>
<td>Food Equipment Char., safe; Lead-Chinalcrystal; Copper; Galvanized; Lead-Use; Pewter alloys; Singleuse service articles-safe; No glass thermometer; Dispensing Equip. for TSC Foods; Molluscan shellfish display tanks-indentification; Vending machine-automatic shutoff; Materials, Approved-(mobile water tank materials safe) Food contact surfaces, CIP equipment</td>
<td>7-1; 7-3; 7-4a; 7-5; 7-7; 7-12; 1a-2a; 7-14; 7-28, 5; 7-35a; 7-36; 7-15; 7-16a-1 9-31; 9-37; 1</td>
<td>$750.00</td>
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<tr>
<td>PRIORITY FOUNDATION</td>
<td>16</td>
<td>Controlling Pests</td>
<td>11-50 1-4</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>17</td>
<td>Raw Animal Food cook temp; Plant food cooking</td>
<td>5-46a 1-3 &amp; b2; 5-48</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>18</td>
<td>Re-heating for hot holding</td>
<td>5-52 a-d</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>19</td>
<td>Cooling time-temperature parameters; Cooling Methods</td>
<td>5-57; 5-58a</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>20</td>
<td>Hot Hold Temps</td>
<td>5-9; 5-59 a</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>21</td>
<td>Cold Hold Temps; Receiving TCS 41° or below, Frozen Food: Shipped &amp; Received, no temp abuse</td>
<td>5-9 a.b.c; 5-59 a.b; 5-9 e &amp; f</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>22</td>
<td>RTE discarded after expiration; no date; RTEDate Marking-41° for 7 days; options</td>
<td>5-61; 5-60</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>23</td>
<td>Time as a Public Health Control, mark, temp, discard; RTE, Time Control/Safety Proc; Labeling, date marking</td>
<td>5-62b1,3 &amp; c1,4,5; 5-62a, b2, c2c3</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY</td>
<td>24</td>
<td>Non-continuous cook of raw animal foods Written Procedures for above</td>
<td>5-48.1, 1-5; 5-48.1</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>25</td>
<td>Adequate equipment to maintain food temps</td>
<td>7-50; 17-2d4</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>26</td>
<td>Thermometers: Food; Ambient Air &amp; Water Accurate Thermometers: thin tip; Good Repair, Calibrated</td>
<td>7-23; 7-24; 7-37e; 7-56; 7-78b</td>
<td>$750.00</td>
</tr>
<tr>
<td>PRIORITY FOUNDATION</td>
<td>27</td>
<td>Children’s menu: raw animal food Allergens; Consumer adv. Disclosure/Reminder</td>
<td>5-46d2; 5-67b5; 5-69</td>
<td>$750.00</td>
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<tr>
<td>TYPE</td>
<td>#</td>
<td>SUMMARY</td>
<td>CODE</td>
<td>PENALTY</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>PRIORITY</td>
<td>28</td>
<td>Pasteurized Foods; Prohibited Foods; Prohibited Reservice</td>
<td>5-25; 5-71</td>
<td>$750.00</td>
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<td>FOUNDATION</td>
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<td></td>
<td>5-10; 5-26</td>
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<tr>
<td>PRIORITY</td>
<td>29</td>
<td>Additives; Use approved; Protection from un-approved</td>
<td>5-10; 5-26</td>
<td>$750.00</td>
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<tr>
<td>FOUNDATION</td>
<td></td>
<td></td>
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<tr>
<td>PRIORITY</td>
<td>30</td>
<td>Toxic; Stored separate; Proper use; Toxic; Restricted Container; Sanitizers, Wash Agents, Drying Agents, Lubricants, Pesticides, Rodent Bait Stations; Tracking Powders; Employee Meds-Labeled; Stored; Refrigerated Foods; First Aid; Employee items separation; Onsite generation of chemicals, toxics &amp; labels; Manufacturer Label; Common Name; Restrictions &amp; Use; Application by Certified Operator; Restriction and storage of employee medicines; First aid supply storage</td>
<td>13-3; 13-5; 13-6; 13-7; 13-8a; 13-9; 13-10; 13-11; 13-12; 13-13; 13-14a; 13-15b; 13-16; 13-17; 13-19; 13-1; 13-2; 13-4a; 13-5.3; 13-15a; 13-17</td>
<td>$750.00</td>
</tr>
<tr>
<td>FOUNDATION</td>
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<td></td>
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<tr>
<td>PRIORITY</td>
<td>31</td>
<td>WW, machine temps measured; Manual Equip; Auto Dispense Detergent; Alarms; 3-Compartment sink-Adequate-Test kits; Cleaning Agent Required; Chem. Sanitizer test</td>
<td>7-40; 7-41; 7-42; 7-51, a&amp;b; 7-58; 7-68; 7-77</td>
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<tr>
<td>FOUNDATION</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>PRIORITY</td>
<td>32</td>
<td>Sanitization: Hot Water, Chemical, Pressure; Wash Solution: Temp Manual and Mech.; Hot Water Sanitization Temp: Mechanical</td>
<td>7-72; 7-75; 7-95; 7-70; 7-71; 7-73a</td>
<td>$750.00</td>
</tr>
<tr>
<td>FOUNDATION</td>
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<td></td>
<td></td>
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<tr>
<td>PRIORITY</td>
<td>33</td>
<td>Food contact surfaces-Clean &amp; Sanitize</td>
<td>7-83a,c; 7-94; 7-82a</td>
<td>$750.00</td>
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<tr>
<td>FOUNDATION</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>PRIORITY</td>
<td>34</td>
<td>Sink construction; contamination of utensils by hand washing; Water delivery; Pressure; Capacity of hot &amp; cold; Alternate water supply; mobile water requirements</td>
<td>17-1; 9-8; 9-9; 10-10; 9-11</td>
<td>$750.00</td>
</tr>
<tr>
<td>FOUNDATION</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>PRIORITY</td>
<td>35</td>
<td>Backflow Prevention</td>
<td>9-16; 9-12; 9-13a; 9-15; 9-16; 9-21; 9-27a; 9-29; 9-30; 1; 9-38; 9-41; 9-44a; 9-47a; 9-49; 9-52; 9-27b; 9-28; 9-50</td>
<td>$750.00</td>
</tr>
<tr>
<td>FOUNDATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CORE</td>
<td>36</td>
<td>Microwave, Slacking, Thawing, Cooling methods</td>
<td>5-47; 5-55; 5-56; 5-58 b</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>Equipment thermometers provided, conspicuous</td>
<td>5-37 a-d</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>38</td>
<td>Food properly labeled, original container, honestly presented</td>
<td>5-2; 5-15 b; 5-19; 5-24; 5-39; 5-50 b; 5-65; 5-66; 5-67 a; b1-4, b6-7, c,d; 5-68</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>39</td>
<td>Contamination prevented during food preparation, storage &amp; display</td>
<td>5-17; 5-21 d; 5-23 a3-b; 5-27; 5-29; 5-32; 5-36; 5-37; 5-38; 5-40; 5-42; 5-44 b; 5-45; 5-71 b; 13-8 b</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>40</td>
<td>Mobile pushcarts, retail food service establishment, commissary</td>
<td>17-2 a; 17-2 c; 17-4 d; 17-5 b; 17-6</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>41</td>
<td>Personnel: cleanliness, jewelry, hair restraints</td>
<td>3-16; 3-17; 3-20</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>42</td>
<td>Eating, drinking, tobacco; No discharge from eyes, nose, mouth</td>
<td>3-18; 3-19</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>43</td>
<td>Wiping cloths proper use &amp; storage; Sponges prohibited</td>
<td>5-33; 7-6; 7-102</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>44</td>
<td>In-use utensils properly stored, cleaning frequency; Utensils, linens, equipment properly stored, dried, handled; Linens clean</td>
<td>5-31; 7-59 a,b; 7-96 thru 7-99; 7-101; 7-105 a,b,d; 7-106; 7-107 b; 7-108; 7-109; 17-6</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>45</td>
<td>Food / non-food contact surfaces: cleanable, designed, constructed used</td>
<td>7-80; 7-81; 7-105 a,c; 7-106; 7-107 a,c</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>Manual/Mechanical warewashing facilities: maintained, operated;</td>
<td>5-34 b,c,d; 5-35; 7-1 23,4,5; 7-2; 7-9; 7-10; 7-11; 7-12 1B, 2B; 7-16 a2,b; 7-17 thru 7-21; 7-27; 7-28 1-4; 7-29 thru 7-34; 7-46 thru 7-49; 7-60 thru 7-64; 7-103; 7-104; 17-1 c</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>47</td>
<td>Pressure gauges, data plates; Use limitation, pre-cleaning;</td>
<td>7-25; 7-38; 7-39; 7-43; 7-44; 7-45; 7-51 c,d,e,f; 7-52; 7-57; 7-65; 7-66; 7-67; 7-89; 7-74; 7-76; 7-87 thru 7-91</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>48</td>
<td>Design; drain boards</td>
<td>7-82 b,c; 7-84; 7-85</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>49</td>
<td>Non-food contact surfaces clean; Equip/utensil cleaning frequency</td>
<td>9-14 b,c,d; 9-22; 9-24; 9-30; 9-31 2; 9-32 thru 9-36; 9-37 2-5; 9-39; 9-40; 9-42; 9-43; 9-44 b; 9-45; 9-47 b,c,d; 9-48; 9-51; 9-53; 9-19; 9-61; 11-14; 11-36; 11-47; 11-48; 17-2 c2, d1; 17-4 f</td>
<td>$500.00</td>
</tr>
<tr>
<td>TYPE</td>
<td>#</td>
<td>SUMMARY</td>
<td>CODE</td>
<td>PENALTY</td>
</tr>
<tr>
<td>------</td>
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<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>CORE</td>
<td>50</td>
<td>Break rooms, Locker areas: used, provided, maintained; Living areas separate; Laundry facilities</td>
<td>7-54; 7-59 c; 7-100; 11-22; 11-33; 11-37; 11-49</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>51</td>
<td>Hand washing sinks designed, clean, used; Proper signage</td>
<td>9-13 b; 11-26; 11-27; 11-47</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>52</td>
<td>Floors, walls, ceilings (premises): clean, maintained free of litter Removal of pests</td>
<td>11-41; 11-42; 11-51; 11-53</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>53</td>
<td>Floors, walls, ceilings (physical facilities): properly designed, maintained, good repair; Outer openings protected</td>
<td>11-1; 11-3 through 11-10; 11-15; 11-16; 11-40; 11-46</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>54</td>
<td>Service sinks; Maintenance and cleaning tools properly used &amp; stored</td>
<td>7-86; 9-20; 11-45; 11-52</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>55</td>
<td>Outdoor areas: constructed, maintained, clean</td>
<td>11-2; 11-17; 11-18; 11-19</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>56</td>
<td>Garbage &amp; refuse: properly disposed, facilities constructed, maintained</td>
<td>9-55 thru 9-60; 9-62 thru 9-73; 11-20</td>
<td>$500.00</td>
</tr>
<tr>
<td>CORE</td>
<td>57</td>
<td>Ventilation: installed, maintained; Lighting: adequate, shielded</td>
<td>7-22; 7-26; 7-53; 11-11; 11-12; 11-31; 11-32; 11-43</td>
<td>$500.00</td>
</tr>
</tbody>
</table>