



Creating a State of Health

## MINUTES OF REGULAR SCHEDULED PUBLIC MEETING

*This meeting of the Food Service Advisory Council, scheduled to begin at 9:30 a.m. on this sixth day of February, 2018 was convened in accordance with the Oklahoma Open Meeting Act [25 O.S., §§ 301 et seq.] Further, an advance public notice that was sent to the Secretary of State's Office of Administrative Rules by Facsimile December 13, 2017, prior to this time today, specifying the time and place of the meeting here convened, preceded this meeting. Notice of this meeting was given at least twenty-four (24) hours prior here to and no one filed a written request of notice of meetings of this public body to date.*

PUBLIC BODY: OKLAHOMA FOOD SERVICE ADVISORY COUNCIL  
DATE: TUESDAY, FEBRUARY 6, 2018  
ADDRESS: OSU SCHOOL OF HOSPITALITY & TOURISM MGMT, STILLWATER  
CONTACT PERSON: TERESA MARTINEZ TELEPHONE: (405) 271-5243

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### **Agenda Item 1:**

#### **Open Meeting Act**

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

### **Agenda Item 2:**

#### **Call to Order**

Bill Ricks called the meeting to order at 9:34 a.m. at the OSU School of Hospitality and Tourism Management, Stillwater, OK. Teresa Martinez called roll and a quorum was met.

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

**Council members absent:** Scott Yates

**Staff present:** Sam Cannella, Alicia Burkett, Phillip Jurina, Teresa Martinez, Henry Hartsell, Jamie Mohiuddin, Marsha Allmon, and Jeremy Raby

**Others present:** Celeste Parker, Terry Hardage, and Troy Skow

### **Agenda Item 3:**

#### **Review and Possible Action on Approval of December 13, 2017 Meeting Minutes**

Jim Hopper made a motion to approve the minutes. Larry Bergner seconded the motion.

Roll call

Aye: Phil Maytubby, Larry Bergner, Roy Escoubas, Harold Kelly, Michael Farney, Erica Hering, Elizabeth Nutt, Bill Ryan, Jim Hopper, Krista Neal, and Bill Ricks

Abstain: Brenda Potts and Park Ribble

The motion carried.

**Agenda Item 4:****Review, Discussion and Possible Action on Risk Frequency Recognition**

At the previously scheduled meeting, the Council was provided with different options to choose from for the Public Health Inspection Frequency.

Option 1 was “Current”, which consists of 4 = all highs, 2 = all mediums, and 1 = all lows.

Option 2 was “3-2-1 & Done” which consists of 3 = all highs, 2 = all mediums, and 1 = all lows.

Option 3 was “Decrease Highs” which consists of 4 = highs not on program, 3 = highs on program, 2 = all mediums, and 1 = all lows.

Option 4 was “FDA Model” which consist of 4 = highs w/special process or vulnerable populations, 3 = highs w/special process or vulnerable populations meeting history and in program, 3 = highs, 2 = highs meeting history and in program, 2 = mediums, 1 = mediums meeting history in program, or 1 = all lows.

Option 5 was “High Food School” which consists of 4 = highs, 3 = highs with an onsite food school, 2 = all mediums, and 1 = all lows.

Option 6 was “Max 2 Routine” which consists of 2 = highs/mediums and 1 = lows.

Option 6 was provided by Troy Skow per Oklahoma City-County practices. All of these options were discussed at the December 13, 2017 meeting and a work group that met on February 1, 2018.

Several comments were made during discussion on this topic. Concerns were expressed that if we go back to a 2 – 1, we would be opening ourselves to too much risk for food borne illness. A suggestion was made to pick one of the options and track it for a year then compare to previous years. Phil Maytubby asked if those present were opposed to the 3-2-1 & Done. Elizabeth Nutt stated that the current process works well in Tulsa. The food industry has a lot of turnover and if they do not see inspectors as often, deterioration will be seen. Several expressed the need/desire to offer education and if classes are provided they should count as an inspection. It was also pointed out that not all follow up type activities are documented in the database.

Jim Hopper made a motion that this advisory council advise the State Board of Health that the standard for inspections be 3-2-1 based on risk factors. Bill Ryan seconded the motion.

Roll call

Aye: Phil Maytubby, Larry Bergner, Roy Escoubas, Brenda Potts, Harold Kelly, Michael Farney, Park Ribble, Erica Hering, Bill Ryan, Jim Hopper, Krista Neal, and Bill Ricks

Nay: Elizabeth Nutt

The motion carried.

A question was asked as to how this meets the self-inspection program for facilities. Most of the larger chains already have some type of self-inspection in place. The “mom and pop” facilities would have to be brought on board. The inspectors will assist in the training needs, technical assistance, and provide materials. It was pointed out that the 3-2-1 is a minimum, not a maximum. There may/will still be facilities that will have more than 3 inspections/activities per year. A suggestion was made to revisit mandatory self-inspection or manager certification. A concern was stated that the farther away from large cities, the less ability for classes or even internet access is seen.

**Agenda Item 5:****Update and Discussion on Department's Food Inspection Workgroup**

Sam Cannella provided an update on the Food Inspection Workgroup. There was a lot of discussion concerning violations and how they were counted. Between using violation categories or instance of observations, the group was evenly divided. It was pointed out during the workgroup that regulations require using violation categories therefore instances of observations cannot be used.

There were 5 critical questions that came out of this workgroup.

1. Where do we cross from compliance into enforcement?
2. What are the legal considerations/concerns about the form and setting precedents for inspections?
3. Can we put nuances for decisions into a guidance document?
4. How do we communicate violations and/or follow-ups with customers? How do we make it happen consistently? How do we track it?
5. Scheduling inspections and moving back to the FDA 3-2-1 and doing 4 for high risk establishments.

**Agenda Item 6:****Service Report****a. Licensing & Inspection Update**

The summary of establishments and the last page of the no inspection listing were provided and explained by Sam Cannella.

**b. Update on Department Budget**

A budget report was drafted that had to be made into a financial report; however, our Chief Financial Officer has left the agency. This has caused a delay, but we are still working towards this.

**c. Quality Improvement Project – Food Inspection Process**

This was previously placed on a temporary hold. We are now able to move forward with this and it will be combined with the Quadrant Sanitarian meetings. The dates were provided to those present.

**Agenda Item 7:****Discussion on Legislative Agenda Items Possibly Impacting the Food Industry**

There is a bill for unpasteurized milk being sold at farmers markets which created concerns as to the potential for illness. Also there is the possibility of someone buying the milk and not realizing it is not pasteurized.

SB 1486 is the labeling of beef and pork to include the country of origin.

There is a carryover bill from last year that would abolish this meeting body, as well as others.

SB901 provides for an exemption of Civic, Charitable, and Non-profit from licensure at events.

SB1104 allows for a school student to eat no matter if they have the ability to pay or not. According to the discussion, this seems to conflict with federal requirements and does not state who would pay the nutritional department for the meal.

SB1120 is a trailer bill should State Question 788 pass. State Question 788, as written, has the health department regulating dispensaries, growers, patients, care givers, and manufacturers of marijuana.

**Agenda Item 8:****Old Business**

None

**Agenda Item 9:**

**New Business**

OCCHD has started their electronic inspections. Daycares and hotels are completely electronic. The inspection is sent via email to the corporation or business. If they don't have the ability to receive an email, they are provided a signed paper copy.

Tulsa has been asked about placing CBD oil in food. It is unclear at this time if food containing CBD oil would be considered adulterated. Phillip Jurina will research and find more information concerning this.

**Agenda Item 10:**

**Announcements**

Elizabeth Nutt encouraged anyone able to attend the Conference for Food Protection. This will be held in Richmond Virginia in April.

**Agenda Item 11:**

**Next Meeting Date: June 20, 2018 – Oklahoma City-County Health Department**

**Agenda Item 12:**

**Adjournment**

Larry Bergner made a motion to adjourn. Park Ribble seconded the motion.

Roll call

Aye: Phil Maytubby, Larry Bergner, Roy Escoubas, Brenda Potts, Harold Kelly, Michael Farney, Park Ribble, Erica Hering, Elizabeth Nutt, Bill Ryan, Jim Hopper, Krista Neal, and Bill Ricks

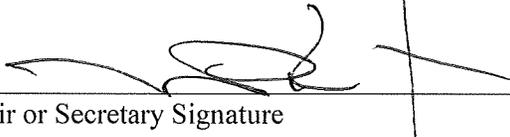
The motion carried.

The February 6, 2018 meeting of the Oklahoma Food Service Advisory Council adjourned at 11:05 a.m.

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Chair or Secretary Signature	Date Approved by Vote