

HORIZON ENVIRONMENTAL HEALTH
Policy and Procedure

Subject: Inspection and Enforcement Policy Date Drafted: May 2, 2011
Drafted By: Jane Michaels, PHN, Supervisor Date Revised: December 8, 2014
 Sandra L. Tubbs, PHN, Administrator Date Approved: December 22, 2014
Recommended By: Horizon Environmental Health Advisory Committee
Approved By: Horizon Community Health Board
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POLICY:

Horizon Environmental Health, in accordance with the current fully executed delegation agreement with the Minnesota Department of Health, shall inspect and license regulated establishments in Douglas and Pope Counties and enforce applicable laws to assure compliance with Minnesota Statutes, Chapters 144, 157, and 327 and Minnesota Rules, Chapters 4625, 4626, 4630, and 4717 and any successor statutes or rules under the scope of the delegation agreement.

PURPOSE:

Protecting the public’s health is one of the most basic Public Health functions. Through its delegated responsibilities, the Horizon Environmental Health Program prevents and abates public health risks at regulated food, beverage and lodging establishments, manufactured home parks and recreational camping areas, youth camps, and public pools. As a delegated function, Horizon Environmental Health inspects and regulates facilities within Douglas and Pope Counties to prevent the transmission and occurrence of communicable diseases and other environmental health hazards.

PROCEDURE:

ROUTINE INSPECTIONS:

1. Annually, at the time of renewal or at the time of the initial license application, establishments shall be assigned to a risk category based on the highest risk operation conducted by the establishment.
 - a. “High-risk establishment” means a public pool, or any food and beverage service establishment, hotel, motel, lodging establishment, or resort that:
 - i. serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating or holding for service;
 - ii. prepares foods several hours or days before service;
 - iii. serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness;
 - iv. has a public swimming pool; or
 - v. draws its drinking water from surface water supply
 - b. “Medium-risk establishment” means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

- i. serves potentially hazardous foods but with minimal holding between preparation and service; or
 - ii. serves foods, such as pizza, that require extensive handling followed by heat treatment.
 - c. “Low-risk establishment” means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that is not classified as a high-risk or medium-risk establishment.
 - d. Mobile food units, seasonal permanent and seasonal temporary food stands, food carts and special event food stands are not inspected on an established schedule and therefore are not defined as high-risk, medium-risk, or low-risk establishments.
- 2. The frequency of inspections of the establishments shall be based on the degree of health risk.
 - a. High-risk establishments must be inspected at least once every 12 months.
 - b. Medium-risk establishments must be inspected at least once every 18 months.
 - c. Low-risk establishments must be inspected at least once every 24 months
 - d. School inspections: Elementary and secondary school food service establishments must be inspected according to the assigned risk category or by the frequency required in the Richard B. Russell National School Lunch Act, whichever frequency is more restrictive.
- 3. The full routine inspection shall include a review of the applicable standards established in Minnesota Statutes and Minnesota Rules for the type of establishment.
- 4. All inspections shall be done unannounced and, to the extent practicable, in the presence of the establishment owner and/or designated person-in-charge. The inspections for the food and beverage establishments will be alternated between announced and unannounced inspections starting in 2015.
 - a. Upon arrival at the establishment, the Registered Sanitarian will identify himself/herself and request to speak to the owner/manager.
 - b. If the owner/manager is not on-site, the Registered Sanitarian will contact the owner/manager via phone using the contact information from the most recent license application. The owner/manager will be provided the opportunity to participate directly in the inspection process and/or with the post-inspection discussion. If the owner/manager is not able to arrive on-site before the inspection is complete, a face-to-face meeting or phone communication will be arranged within two working days to explain the results of the inspection.

5. The owner/manager of the establishment will be provided a copy of the inspection report noting violations and any follow-up action if indicated. A signature and a copy of the inspection report will be provided by one of two methods:
 - a. The signature of owner/manager and the Registered Sanitarian shall be obtained electronically and a paper copy mailed to owner/manager within five working days.
 - b. In case of owner/manager not available for signature at the time of the inspection or computer malfunction/signature loss, the inspection report will be mailed to the owner/manager within 5 working days.

6. A corrective action plan shall be provided to the owner/manager at the time of the routine inspection in accordance with the following criteria:
 - a. Food establishments:
 - i. For all critical violations noted during a routine inspection
 - ii. For all critical and non-critical violations noted that trigger the need for an initial re-inspection
 - b. Lodging; Mobile Home Parks; Pools; and Youth Camps:
 - i. For all violations noted that trigger the need for an initial re-inspection.

The owner/manager shall be provided instructions for the submission of the corrective action plan, including due date. Failure of the owner/manager to submit the corrective action plan to the Registered Sanitarian within the designated timeframe shall result in a 10 working day warning of non-compliance. Failure of the owner/manager to submit the corrective action following the 10 working day warning shall result in a \$50 fine for every additional 10 working days until the corrective action plan is submitted.

RE-INSPECTIONS:

All re-inspections shall be done unannounced and, to the extent practicable, in the presence of the establishment owner and/or designated person-in-charge. Upon arrival at the establishment, the Registered Sanitarian will identify him/herself and request to speak to the owner/manager.

If the owner/ manager is not on-site, the Registered Sanitarian will contact the owner/manager via phone using the contact information from the most recent license application. The owner/manager will be provided the opportunity to participate directly in the re-inspection process and/or with the post-inspection discussion.

If the owner/manager is not able to arrive on-site before the re- inspection is complete, a face-to-face meeting will be arranged within two working days to explain the results of the follow-up inspection.

For all re-inspections, the owner/manager of the establishment will be provided a copy of the inspection report noting violations and any follow-up action if indicated. A signature and a copy of the inspection report will be provided by one of two methods:

- The signature of owner/manager and inspector shall be obtained electronically and a paper copy mailed to owner/manager within five working days.
- In case of owner/manager not available for signature at the time of the inspection or computer malfunction/signature loss, the inspection report will be mailed to the owner/manager within 5 working days

1. Food and Beverage:

- a. An initial re-inspection shall be indicated for any of the following criteria:
 - i. In accordance with the Food and Beverage Critical/Non-Critical Grid (attached to this policy), if the combination of non-critical and critical violations meet the threshold for re-inspection as indicated by an “x” on the grid;
 - 1. A violation that is corrected on site (COS) will not be included in the combination of non-critical and critical violations that meet the threshold for a re-inspection; or
 - ii. Two or more re-occurring critical violations from the previous routine inspection; or
 - iii. Five or more re-occurring non-critical violations from the previous routine inspection; or
 - iv. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger an initial re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk; or
 - v. Any unusual or unique circumstances that would warrant a re-inspection due to a potential health hazard
- b. Additional follow-up re-inspections shall be indicated for any of the following criteria:

- i. Continued non-compliance with critical violations remaining following the initial re-inspection
 - ii. Continued non-compliance with three or more non-critical violations remaining following the initial re-inspection
 - iii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger a follow-up re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
- c. In situations when an initial or follow-up re-inspection is indicated, the Registered Sanitarian shall:
 - i. Notify owner/manager/ person-in-charge that a re-inspection will be scheduled
 - ii. Notify the Public Health Supervisor within two working days that a re-inspection is scheduled
 - iii. Conduct the initial re-inspection no more than 30 days following the initial inspection to assure corrective action is implemented for the violations cited at the initial inspection
 - iv. Conduct the follow-up re-inspection no more than 10 days following the initial re-inspection to assure corrective action is implemented.
- d. Closure of food and beverage establishments shall be indicated for any of the following criteria:
 - i. Failure to possess a required license; or
 - ii. Evidence of sewage backup in food preparation, food storage, or utensil washing area; or
 - iii. Lack of potable, plumbed, hot and cold water to the extent that hand washing, utensil washing, food preparation, or toilet facilities are not operational; or
 - iv. Lack of electricity or gas service to the extent that hand washing, utensil washing, food preparation, lighting or toilet facilities are not operational; or
 - v. Evidence of an ongoing food-borne illness associated with the establishment; or

- vi. Significant damage to the food establishment due to tornado, fire, flood, or other disasters; or
 - vii. Evidence of an infestation of rodents or other vermin; or
 - viii. The presence of any condition that poses an imminent health risk of substantial harm to the public health, safety or welfare
- e. A re-inspection fee shall be charged to all food and beverage establishments in accordance with the established fee schedule.

2. Lodging:

- a. An initial re-inspection shall be indicated for any of the following criteria:
- i. An inspection score of 85% or lower; or
 - ii. Two or more previous orders not in compliance; or
 - iii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger an initial re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk; or
 - iv. Any unusual or unique circumstances that would warrant a re-inspection due to a potential health hazard
- b. Additional follow-up re-inspections shall be indicated for any of the following criteria:
- i. A re-inspection score of 85% or lower.
 - ii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger a follow-up re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.

- c. In situations when an initial or follow-up re-inspection is indicated, the Registered Sanitarian shall:
 - i. Notify owner/manager/person-in-charge that a re-inspection will be scheduled
 - ii. Notify the Public Health Supervisor within two working days that a re-inspection is scheduled
 - iii. Conduct the initial re-inspection no more than 30 days following initial inspection to assure corrective action is implemented for the violations cited at the initial inspection
 - iv. Conduct the follow-up re-inspection no more than 10 days following the initial re-inspection to assure corrective action is implemented.

- d. Closure of lodging establishments shall be indicated for any of the following criteria:
 - i. Failure to possess a required license; or
 - ii. Significant damage to the lodging establishment due to tornado, fire, flood or other disaster; or
 - iii. Any time a public health nuisance exists; or
 - iv. The presence of any condition that poses an imminent health risk of substantial harm to the public health, safety or welfare; or
 - v. By recommendation from the State Fire Marshall/Local Fire Chief due to an imminent safety hazard

- e. A re-inspection fee shall be charged to lodging establishments in accordance with the established fee schedule.

3. Manufactured Home Park (MHP)/Recreational Camping Areas (RCA):

- a. An initial re-inspection shall be indicated for any of the following criteria:
 - i. 10% or more units with excessive garbage/refuse/debris; or
 - ii. Four or more violations; or
 - iii. Two or more previous orders not in compliance
 - iv. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger an initial re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the

- Administrator based on severity of health and safety risk; or
- v. Any unusual or unique circumstances that would warrant a re-inspection due to a potential health hazard
- b. Follow-up re-inspections shall be indicated for any of the following criteria:
- i. Any units cited for garbage/refuse on initial re-inspection that has not been resolved
 - ii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 - 1. If the only violation to trigger a follow-up re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
- c. In situations when an initial or follow-up re-inspection is indicated, the Registered Sanitarian shall:
- i. Notify owner/manager/person-in-charge that a re-inspection will be scheduled
 - ii. Notify the Public Health Supervisor within two working days that a re-inspection is scheduled
 - iii. Conduct the initial re-inspection no more than 30 days following the initial inspection to assure corrective action is implemented for the violations cited at the initial inspection
 - iv. Conduct the follow-up re-inspection no more than 10 days following the initial re-inspection to assure corrective action is implemented.
- d. MHP/RCA closure shall be indicated for any of the following criteria:
- i. Failure to possess a required license; or
 - ii. Significant damage to the Mobile Home Park or Recreational Camping Area establishment due to tornado, fire, flood or other disaster; or
 - iii. The presence of any condition that poses an imminent health risk of substantial harm to the public health, safety, or welfare
- e. A re-inspection fee shall be charged to MHP/RCAs in accordance with the established fee schedule.

4. Pools:

- a. An initial re-inspection shall be indicated for any of the following criteria:
 - i. Four or more violations; or
 - ii. Two or more previous orders not in compliance; or
 - iii. Following a pool closure for the purpose of authorizing the pool to re-open; and
 - iv. 14 days after the pool has reopened following closure
 - v. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 1. If the only violation to trigger an initial re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk; or
 - vi. Any unusual or unique circumstances that would warrant a re-inspection due to a potential health hazard
- b. Follow-up re-inspections shall be indicated for any of the following criteria:
 - i. Continued non-compliance with violations that were cited during the initial re-inspection and not corrected by the compliance date indicated.
 - ii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 1. If the only violation to trigger a follow-up re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
- c. In situations when an initial or follow-up re-inspection is indicated, the Registered Sanitarian shall:
 - i. Notify owner/manager/person-in-charge that re-inspection will be scheduled

- ii. Notify the Public Health Supervisor within two working days that a re-inspection is scheduled
 - iii. Conduct the initial re-inspection no more than 14 days following the initial inspection to assure corrective action is implemented for the violations cited at the initial inspection
 - iv. Conduct the follow-up inspection no more than 48 hours following the initial re-inspection to assure corrective action is implemented.
- d. Pool closure shall be indicated for any of the following criteria:
 - i. Failure to possess a required license; or
 - ii. Substantial non-compliance with daily record requirements as specified in Minnesota Rules Chapter 4717; or
 - iii. Failure to provide a current Certified Pool Operator as required in Minnesota Rules Chapter 4717; or
 - iv. The units of lifesaving equipment specified in Minnesota Rules Chapter 4717 are not provided; or
 - v. The water clarity standard specified in Minnesota Rules Chapter 4717, is not met; or
 - vi. The disinfection residual specified in Minnesota Rules Chapter 4717 is not met; or
 - vii. The pool has been constructed or physically altered without approval of plans as required by Minnesota Rules Chapter 4717; or
 - viii. There is any condition that endangers the health or safety of the public; or
 - ix. Significant damage to the Pool/Spa establishment due to tornado, fire, flood or other disaster
- e. A re-inspection fee shall be charged to all Pool/Spa establishments for a re-inspection, including the re-inspection required to reopen a pool/spa and the subsequent 14-day re-inspection following the re-opening of the pool/spa.

5. Youth Camps:

- a. An initial re-inspection shall be indicated for any of the following criteria:
 - i. Four or more violations; or
 - ii. Two or more previous orders not in compliance; or
 - iii. Any unusual or unique circumstances that would warrant a re-inspection due to a potential health hazard
 - iv. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form

1. If the only violation to trigger an initial re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
- b. Follow-up re-inspections shall be indicated for any of the following criteria:
 - i. Any non-compliant violations of Minnesota Rules Chapter 4630.3000 through Minnesota Rules Chapter 4630.4500 from the initial re-inspection.
 - ii. Continued non-compliance with any violations that are older than 5 years from the compliance correction date on the inspection form
 1. If the only violation to trigger a follow-up re-inspection is the continued non-compliance violation that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial re-inspection waived and go right to an administrative conference. Request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
- c. In situations when an initial or follow-up re-inspection is indicated, the Registered Sanitarian shall:
 - i. Notify owner/manager/person-in-charge that re-inspection will be scheduled
 - ii. Notify the Public Health Supervisor within two working days that a re-inspection is scheduled
 - iii. Conduct the initial re-inspection no more than 30 days following the initial inspection to assure corrective action is implemented for the violations cited at the initial inspection
 - iv. Conduct the follow-up re-inspection no more than 10 days following the initial re-inspection to assure corrective action is implemented.
- d. Youth Camp closure shall be indicated for any of the following criteria:
 - i. Failure to possess a required license; or
 - ii. Significant damage to the Youth Camp establishment due to tornado, fire, flood or other disaster; or

- iii. Anytime a public health nuisance exists; or
 - iv. The presence of any condition that poses an imminent health risk of substantial harm to the public health, safety or welfare; or
 - v. By recommendation of the State Fire Marshall/Local fire Chief due to an imminent safety hazard
- e. A re-inspection fee shall be charged youth camps in accordance with the established fee schedule.
 - f. Food and Beverage Enforcement as specified in this policy shall be used for all violations of Minnesota Rules Chapter 4630.2600 through Minnesota Rules Chapter 4630.3000.

ENFORCEMENT:

1. A second and third follow-up re-inspection may be conducted at 10-day intervals following the first re-inspection providing that the establishment is making significant progress toward correction of the previously issued orders. A re-inspection fee shall be charged in accordance with the established fee schedule.
2. Failure to comply with the previously issued orders at the third re-inspection shall result in an administrative conference, which shall be scheduled no later than 10 working days following the date of the third re-inspection.
3. If the only violation to trigger an initial re-inspection or a follow-up re-inspection is the continued non-compliance that is older than 5 years from the compliance correction date on the inspection form, the establishment may submit a written request to have the initial or follow-up re-inspections waived and go right to an administrative conference. The request will be approved or denied at the discretion of the Administrator based on severity of health and safety risk.
4. The administrative conference will be held at an office within the County and will include the establishment owner or a designated representative, the Registered Sanitarian involved with the inspections, and the Horizon Public Health Administrator. Failure of the establishment owner, or a representative, to attend the administrative conference will result in a show of cause hearing before the respective County Board of Commissioners.
5. A written agreement shall be developed at the Administrative Conference, which clearly describes the corrective action required, and the established time frame for the correction. The agreement shall further indicate that failure of the establishment to comply with the written plan of corrective action shall automatically result in the immediate suspension of the license.
6. A final re-inspection following the Administrative Conference shall be conducted in accordance with the terms of the written agreement. Failure of the establishment to comply with the terms of the written agreement at this inspection shall result in automatic and immediate suspension of the license.
7. Upon written notice to the licensee, the license may be suspended for a period not longer than sixty (60) days or until the violation is corrected. Notice of the

- suspension shall be served personally or by registered or certified mail at the address designated in the license application.
8. If the establishment has not demonstrated, within the 60-day suspension period, that the violations have been corrected, the suspension shall be extended for another 60-day period during which time license revocation procedures shall be initiated. The license for the establishment shall be revoked following written notice of revocation served personally or by registered or certified mail at the address designated on the license application. Revocation shall not occur earlier than ten (10) working days from the time the notice of revocation is served on the licensee, or if a hearing is requested, until written notice of the respective County Board of Commissioners action has been served on the license.
 9. In accordance with the Douglas County Administrative Ordinance and the Pope County Administrative Ordinance, it is unlawful to operate an establishment when the license has been suspended or revoked.