



Failure to Comply Food Service Operation/ Retail Food Establishment

I. Scope

This procedure applies to the health commissioner or other staff members as authorized by the health commissioner including the director, supervisors and all food safety sanitarians in the Environmental Health Division of the Toledo-Lucas County Health Department (TLCHD).

II. Purpose

The purpose of this procedure is to provide Food Safety Sanitarians with an outline regarding the steps to be taken for enforcement activities when the operator fails to comply with violation as noted during a standard inspection.

III. Background

During routine inspections of food service operations and retail food establishments, violations are noted but may not be addressed in a timely manner by the operators. It becomes imperative that inspectors communicate and document the violations and public health reasons for said violation(s) with a specified time frame for corrections. However if the operators fails to correct noted violations within the specified time frame, it may require further actions, including revocation of license.

IV. Procedure

A. Follow-up Inspections

1. After a standard inspection, follow-up inspections are conducted based on the severity of violations found during the standard inspection.
2. Time frames for re-inspections could be anywhere from one (1) to ten (10) days after the standard inspection. The operator is responsible to correct violation(s) within the specified number of days as indicated on the standard inspection form.
3. If operator fails to comply with the follow-up inspection, a second follow-up inspections should be conducted.

B. Joint compliance Inspection

1. If the operator is not in compliance after the second follow-up inspection, a joint inspection with the supervisor will be conducted.
2. The purpose of this joint compliance inspection is to ensure that expectations of the licensor have been properly communicated and documented. This inspection allows the operator and

the health department to establish a plan of correction agreeable to both the health department and the operator.

3. If the uncorrected violations are causing immediate danger to public health, actions will be taken to protect the public health which may include suspension of the license as specified in resolution 2017-03-038 as adopted by the Toledo Lucas County Board of Health. This actions requires the Health Commissioner to make determination to suspend a license.

C. Informal Hearing

1. If compliance is not obtained after the joint inspection and the plan of action in the time frame as agreed upon, a letter will be sent to the operator to request an informal hearing with the environmental health director. This letter will be mailed regular and certified to the address as listed in our database.
2. Pending the schedule of the environmental health director, the informal hearing may take place at the regularly scheduled environmental health committee meeting.

D. Administrative Hearing

1. This hearing establishes TLCHD's intent to move forward with a formal hearing with the Toledo Lucas County Board of Health. The purpose of this hearing is to take the initial steps of revocation of license.
2. The administrative hearing may establish a new timeframe for the facility to achieve compliance. If compliance is not achieved, the recommendation as set forth by the Toledo Lucas County Board of Health for revocation of license will move forward.
3. If the operation comes into compliance after the administrative hearing, the operation will be placed on an increased inspection criteria which will be established on a case by case basis. The increase inspection frequency is to ensure that there is continued compliance with the operation.
4. The County Prosecutor will be consulted

V. Maintenance

A. Review

1. The Failure to Comply SOP is to be reviewed every five (5) years to ensure compliance with both agency and accreditation standards.

B. Revision

1. All changes made to this SOP are to be noted on the Record of Change. Substantial changes will require renewed signatures from all applicable parties. This includes changes to the intent, scope, procedures, or policy statement.

2. Changes in style, format, grammar or minor error correction will not require renewed signatures but must be indicated on the Record of Change.

