

Notice of Proposed Rule

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-2.017 Health Safety Standards

PURPOSE AND EFFECT: The purpose of this rule is to set food safety and environmental health sanitation standards for facilities licensed by the Agency for Persons with Disabilities.

SUMMARY: These rules provide food safety and environmental health requirements to ensure that facilities licensed pursuant to section 393.067, Florida Statutes, safely store, prepare and serve meals to their residents. These standards also assure that residents are provided with a safe water source, effective sewage systems, and a pest-free environment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that, while the proposed rule may have a minor indirect impact upon small businesses, the direct and indirect costs of this proposed rule are estimated at approximately \$45,000 and should not exceed \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.067 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 26, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: The Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, Miranda.Johnson@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Miranda Johnson, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399, (850)414-9132, Miranda.Johnson@apdcares.org

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-2.017 Health Safety Standards for Licensed Facilities

(1) Food. Food received or used in licensed facilities shall be clean, wholesome, free from spoilage, adulteration and misbranding, and safe for human consumption. A violation of this provision shall constitute a Class II violation.

(a) Food while being transported, stored, prepared, displayed, or served within licensed facilities shall be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination. A violation of this paragraph shall constitute a Class II violation.

(b) Different types of raw animal products such as beef, fish, lamb, pork or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use. Raw food products shall be physically separated from ready-to-eat food

products during display or storage by storing the raw products below ready-to-eat food products or using correct methods. A violation of this paragraph shall constitute a Class II violation.

(c) Potentially hazardous food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be kept at safe temperatures, either below 41 degrees Fahrenheit or above 135 degrees Fahrenheit, except during necessary periods of preparation and service. A violation of this paragraph shall constitute a Class II violation.

(d) Potentially hazardous foods which are to be served without further cooking (ready to eat foods) and will require refrigeration, shall not be allowed to remain between 41 degrees and 135 degrees Fahrenheit for a period in excess of four hours. A violation of this paragraph shall constitute a Class II violation.

(e) Frozen potentially hazardous food shall be thawed in refrigerated units at a temperature not to exceed 41 degrees Fahrenheit; or under cold potable running water with sufficient water velocity to agitate and float off loosened food particles into the overflow for a period of time that does not allow thawed portions of ready-to-eat food to rise above 41 degrees Fahrenheit; or in a microwave if it will be cooked immediately upon thawing; or as part of the cooking process. A violation of this paragraph shall constitute a Class III violation.

(f) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered and labeled container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent. A violation of this paragraph shall constitute a Class II violation.

(g) Food not subject to further washing or cooking (ready to eat) before serving shall be stored in a way that protects it against cross contamination from food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice. A violation of this paragraph shall constitute a Class II violation.

(h) Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, dollies or other clean surfaces in such a manner as to be protected from splash and other contamination. Food must be stored uncrowded to permit free air circulation in and around food. A violation of this paragraph shall constitute a Class II violation.

(i) Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing. Food must be date marked if not consumed upon initial preparation and held for more than 24 hours. Potentially hazardous foods shall be kept for no more than seven days. A violation of this paragraph shall constitute a Class III violation.

(j) After purchasing and when receiving food into the facility, refrigerate or freeze foods as soon as possible in order to maintain correct temperatures. A violation of this paragraph shall constitute a Class III violation.

(k) Cooling food to safe storage temperatures shall include two stage cooling. Hot food should be cooled from 135 degrees to below 70 degrees Fahrenheit within two hours and then cooled from 70 degrees to below 41 degrees Fahrenheit within an additional four hours. The total time for both stages combined shall not exceed six hours. A violation of this paragraph shall constitute a Class III violation.

(2) Food Equipment.

(a) Multi-use utensils, tableware and equipment shall be thoroughly cleaned with hot water and sanitized after each meal.

(b) Cleaned and sanitized utensils and equipment and all single-service articles shall be stored at least 6 inches above the floor in a clean, dry location and in a way that protects them from contamination by splash, dust and other means. A violation of this paragraph shall constitute a Class II violation.

(c) The food-contact surfaces of fixed equipment shall also be protected from contamination. All food contact surfaces must be cleaned and sanitized including equipment, counter tops, storage shelves and similar areas.

(d) All sinks shall be of adequate size and depth to accommodate the utensils being washed.

(e) After sanitization, all equipment and utensils shall be air-dried. Cleaned and sanitized equipment and utensils and all single-service articles shall be handled in a way that protects them from contamination.

(f) In homes where dishwashers are present, the dishwasher should be kept clean and free from food and mineral deposits. Items being loaded into a dishwasher should be scraped and rinsed prior to loading. For efficiency purposes dishwashers should not be overloaded.

(g) These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with the manufacturer's instructions and specifications, which must be attached to the machine.

(h) In homes where stoves have ventilation hoods and devices the ventilation hoods shall be designed to prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food contact surfaces. Filters or other grease extracting equipment, if used, shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

(i) With the exception of paragraph (b), a violation of this subsection shall constitute a Class III violation.

(3) Insect, Rodent and Vermin control. Effective measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other insects on the premises.

(a) All buildings shall be effectively maintained rodent-proofed and rodent free.

(b) All outside openings shall be effectively sealed or screened to prevent entry of insects, rodents, or other vectors and vermin.

(c) For persistent pest control problems, a licensed pest control operator should be utilized to eliminate the threat.

(d) A violation of this subsection shall constitute a Class II violation.

(4) Animal Health and Safety.

(a) Animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. A violation of this paragraph shall constitute a Class III violation.

(b) Animals being kept or having access to the indoors must be treated for flea control throughout the year to prevent infestations. A violation of this paragraph shall constitute a Class II violation.

(c) Animals requiring rabies vaccination must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Animals requiring rabies vaccination would include dogs and cats. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times. A violation of this paragraph shall constitute a Class III violation.

(5) Housing.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards.

(b) Overhead and wall surfaces shall be free of water damage, loose, missing or broken tiles, plaster, lath, or loose hanging fixtures, pipes and electric wiring.

(c) All areas of the facility occupied by residents, including sleeping rooms, common areas, hallways, bathrooms, and dining areas shall have natural or mechanical ventilation.

(6) Response to Client Sickness

(a) Areas contaminated with vomit or stool must be carefully cleaned. Vomit or stool must be removed quickly because they may contain a large number of disease-causing germs and be highly contagious.

(b) Vomit and stool shall be cleaned up before disinfecting. Disposable gloves shall be worn if possible. Cleaning shall be done with disposable towels, and used towels shall be disposed of in a non-absorbent plastic bag.

(c) After the area is completely cleaned then the area should be disinfected. Allow area to air-dry, discard all materials used to clean area, including gloves in a non absorbent plastic bag. Staff must wash their hands with soap and water immediately after removing gloves.

(d) Soiled linens, soiled clothes or other soiled items shall be carefully removed and kept separated from uncontaminated items. Soiled linens, soiled clothes or other soiled items that are contaminated shall be washed in a pre-wash cycle, then use a regular wash cycle using detergent and then dried separately from uncontaminated items at a high temperature.

(e) A violation of this paragraph shall constitute a Class I violation.

(7) Agency staff shall review facilities for food safety and environmental health standards using APD 2012-Health Facility Checklist (effective October, 2012), which is hereby incorporated by reference.

Rulemaking Authority 393.067(1), 393.067(7), 393.067(8), 393.501(1) FS. Law Implemented 393.067(1), 393.067(7), 393.067(8) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Miranda Johnson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbara Palmer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 15, 2012