

I_132_0528-3

132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 65

A BILL

To require the Director of Agriculture and the 1
Director of Health to establish a pilot program 2
governing reviews of registered sanitarians and 3
sanitarians-in-training who conduct inspections 4
of retail food establishments and food service 5
operations. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. (A) As used in this section: 7

(1) "Registered sanitarian" and "sanitarian-in-training" 8
have the same meanings as in section 4736.01 of the Revised 9
Code. 10

(2) "Reviewer" means a person so designated under division 11
(C) of this section. 12

(B) The Director of Agriculture and the Director of Health 13
jointly shall establish a pilot program creating procedures and 14
requirements governing reviews of inspections conducted by 15
registered sanitarians and sanitarians-in-training of retail 16
food establishments and food service operations under Chapter 17
3717. of the Revised Code. The Directors shall include the 18



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reviews in surveys of boards of health conducted under section 19
3717.11 of the Revised Code. The Directors shall implement the 20
pilot program during the program's term notwithstanding any 21
other requirements of the Revised Code and rules adopted under 22
it. The program shall establish all of the following: 23

(1) A methodology to be used by a reviewer when reviewing 24
an inspection conducted by a registered sanitarian or 25
sanitarian-in-training to determine if the registered sanitarian 26
or sanitarian-in-training properly identified critical and 27
noncritical violations through application of Chapter 3717. of 28
the Revised Code and rules adopted under it. The methodology 29
shall require a registered sanitarian or sanitarian-in-training 30
to identify at least eighty per cent of the critical and 31
noncritical violations documented by the reviewer. 32

(2) A guidance document to be provided to boards of health 33
that identifies how violations should be counted and scored for 34
purposes of assisting a reviewer in scoring the performance of a 35
registered sanitarian or sanitarian-in-training; 36

(3) A requirement that a registered sanitarian or 37
sanitarian-in-training verbally identify or document violations 38
during an inspection; 39

(4) A requirement that a reviewer document all violations 40
during an inspection on a form jointly approved by the Director 41
of Agriculture and the Director of Health. As part of this 42
requirement, the reviewer shall do all of the following: 43

(a) Use the guidance document for purposes of scoring the 44
performance of the registered sanitarian or sanitarian-in- 45
training; 46

(b) Conduct a comparative review with the registered 47

sanitarian or sanitarian-in-training of violations documented by 48
the reviewer and the violations verbally identified or 49
documented by the registered sanitarian or sanitarian-in- 50
training during the inspection; 51

(c) During the comparative review, exchange the reviewer's 52
written notes with the registered sanitarian or sanitarian-in- 53
training's inspection report; 54

(d) Conduct the comparative review and exchange 55
immediately after the registered sanitarian or sanitarian-in- 56
training completes each inspection. If the reviewer cannot 57
complete a comparative review and exchange with the registered 58
sanitarian or sanitarian-in-training immediately following the 59
registered sanitarian's or sanitarian-in-training's inspection 60
due to an unforeseen circumstance, the reviewer and registered 61
sanitarian or sanitarian-in-training shall complete the 62
comparative review and exchange not later than one business day 63
after the inspection occurred. 64

(5) A requirement that a reviewer issue a report after the 65
conclusion of an inspection conducted by a registered sanitarian 66
or sanitarian-in-training that identifies violations of Chapter 67
3717. of the Revised Code and rules adopted under it that were 68
not identified by the registered sanitarian or sanitarian-in- 69
training; 70

(6) A requirement that the Director of Agriculture and the 71
Director of Health notify boards of health if any change occurs 72
in how violations are counted and scored. As part of this 73
requirement, the Directors shall provide the notification to 74
boards of health in writing as an update to the guidance 75
document prior to performing any further surveys of boards of 76
health conducted under section 3717.11 of the Revised Code. 77

(7) A requirement that a registered sanitarian or 78
sanitarian-in-training who solely and exclusively inspects 79
vending food service operations shall be reviewed only during 80
one vending food service operation inspection and one risk level 81
three inspection during the term of the pilot program; 82

(8) A requirement that a registered sanitarian or 83
sanitarian-in-training who solely and exclusively inspects 84
temporary food service operations or temporary retail food 85
establishments shall be reviewed only during two risk level 86
three inspections during the term of the pilot program; 87

(9) A complaint process by which boards of health may 88
receive complaints regarding the review process, including 89
complaints about inconsistencies in review methodology, and may 90
forward such complaints to the Department of Agriculture or 91
Department of Health, as appropriate. The Departments shall work 92
to resolve any complaint with the board of health that submitted 93
it. 94

(C) The Director of Agriculture or the Director of Health, 95
as applicable, shall designate registered sanitarians to act as 96
reviewers for purposes of reviews conducted under this section. 97
The Director of Agriculture or the Director of Health shall 98
require each such reviewer, independent of any review conducted 99
for training purposes, to have experience performing both of the 100
following: 101

(1) Standard inspections designed to determine compliance 102
with Chapter 3717. of the Revised Code and rules adopted under 103
it; 104

(2) Critical control point inspections or process review 105
inspections made to determine compliance with Chapter 3717. of 106

the Revised Code and rules adopted under it. 107

(D) The pilot program established under this section shall 108
cease to be effective on December 31, 2019. 109

(E) (1) Notwithstanding division (D) of this section, the 110
Director of Agriculture and the Director of Health jointly shall 111
prepare a report that identifies the most common violations of 112
Chapter 3717. of the Revised Code and rules adopted under it 113
that are not identified by registered sanitarians or 114
sanitarians-in-training during inspections. The report shall 115
delineate between inspections overseen by the Department of 116
Agriculture and inspections overseen by the Department of 117
Health. Each Director also shall include in the report all of 118
the following: 119

(a) The total number of inspections of facilities that are 120
less than twenty-five thousand square feet and the average 121
duration of an inspection conducted at such a facility; 122

(b) The total number of inspections of facilities that are 123
twenty-five thousand square feet or more and the average 124
duration of an inspection conducted at such a facility; 125

(c) The total number of surveys conducted at facilities 126
classified as level three and level four under rules adopted 127
under Chapter 3717. of the Revised Code and the average duration 128
of a survey conducted at such a facility; 129

(d) A written summary of how sanitarians and sanitarians- 130
in-training performed when being reviewed as required under this 131
section; 132

(e) The number of instances in which a sanitarian or 133
sanitarian-in-training identified violations that the reviewer 134
failed to identify; 135

(f) A written summary describing complaints received from 136
boards of health through the complaint process established under 137
division (B) (9) of this section and actions taken by the 138
appropriate Director to resolve such complaints to assist in 139
standardization and consistency amongst reviews; 140

(g) A list of each training event for registered 141
sanitarians and sanitarians-in-training offered by the 142
Department of Health and the Department of Agriculture, 143
including information regarding the date on which the training 144
event was offered and the number of attendees. 145

(2) The Directors shall provide the report described in 146
division (E) (1) of this section to all of the following: 147

(a) The President of the Senate; 148

(b) The Speaker of the House of Representatives; 149

(c) The Ohio Environmental Health Association; and 150

(d) The Association of Ohio Health Commissioners. 151

The Directors shall provide the report not later than 152
January 31, 2020. 153