



Ohio Administrative Code

Rule 3701-21-24 State survey procedures for program evaluation.

Effective: March 1, 2010

(A) The director of health shall survey at least once every three years each food service operation program of a licensor pursuant to section 3717.11 of the Revised Code. The licensor shall provide the director of health with all requested information to complete the survey.

(B) The director of health shall provide the survey methodology, which shall include:

(1) A review of the administrative aspects of the food service operation program including application and licensing, certification, cost analysis and fee adoption, facility layout and equipment specification review, inspections and reports, and enforcement;

(2) A field review of the application of the requirements set forth in Chapter 3717. of the Revised Code, Chapter 3717-1 of the Administrative Code and this chapter; and

(3) A review of other performance standards relevant to the conduct of the food service operation program.

(C) The director of health shall survey the food service operation program in accordance with the survey methodology and shall determine whether the licensor is qualified to administer and enforce Chapter 3717. of the Revised Code and Chapters 3701-21 and 3717-1 of the Administrative Code. After the survey is complete, the director of health shall classify the licensor as approved or provisional and provide a survey report to the licensor. If the licensor is classified as provisional, the director of health shall provide:

(1) A set time frame for correcting the deficiencies;

(2) Procedures for program disapproval that the department of health will pursue if the licensor fails to correct the major deficiencies revealed by the survey; and



(3) An opportunity to request a meeting with a representative of the director of health to discuss the deficiencies.

(D) The department of health shall reevaluate a licensor's provisional food service operation program in the established time frame to determine if the program is in compliance. If in compliance, the director of health shall classify the licensor as approved. If the deficiencies have not been corrected, the director of health shall propose to disapprove the licensor, or shall propose to revoke the approval, whichever is appropriate.

(E) The licensor may request an informal hearing on the director of health's proposed determination if a written request is received by the director of health no later than fifteen days after the date of mailing the proposed determination. The informal hearing shall be conducted before the director of health or the director of health's authorized representative no later than thirty days after the director of health received the request for hearing. At the hearing, a representative of the licensor may present information orally and in writing. The director of health shall issue a written decision no later than thirty days after the conclusion of the informal hearing.

(F) The director of health may reinstate a licensor if all the conditions in division (D) of section 3717.11 of the Revised Code are met. Upon reinstatement, the director of health shall provide the licensor a set time-frame for survey which shall be no later than one year after reinstatement. The licensor shall be classified as provisional until the licensor has successfully passed the survey. If the director of health determines that the licensor is qualified to administer and enforce Chapter 3717. of the Revised Code and Chapters 3701-21 and 3717-1 of the Administrative Code, the director of health shall classify the licensor as approved. If the director of health determines that the licensor is not qualified, the director of health may propose to revoke the approval in accordance with paragraph (D) of this rule.