



Ohio Administrative Code

Rule 901:3-4-17 State survey procedures for program evaluation.

Effective: April 3, 2009

(A) Pursuant to section 3717.11 of the Revised Code the director of agriculture shall survey at least once every three years the retail food establishment program of every licensor for retail food establishments. The licensor shall provide the director of agriculture with all requested information to complete the survey.

(B) The director of agriculture shall provide the survey methodology to all licensors. The methodology shall include:

(1) A review of the administrative aspects of the retail food establishment program;

(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 retail food establishment program.

(C) The director of agriculture shall survey the retail food establishment 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, Chapter 3717-1 of the Administrative Code and the applicable rules of this chapter. After the survey is complete, the director of agriculture 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 agriculture shall provide it with:

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

(2) Procedures for program disapproval that the department of agriculture 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 agriculture to discuss the deficiencies.

(D) The department of agriculture shall reevaluate a board or authority's provisional retail food establishment program in the established time frame to determine if the program is in compliance. If in compliance, the director of agriculture shall classify the licensor as approved. If the deficiencies have not been corrected, the director of agriculture 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 agriculture's proposed determination if a written request is received by the director of agriculture no later than fifteen days after the date of mailing the proposed determination. The informal hearing shall be conducted before the director of agriculture or the director of agriculture's authorized representative no later than thirty days after the director of agriculture received the request for hearing. At the hearing, a representative of the licensor may present information orally and in writing. The director of agriculture shall issue a written decision no later than thirty days after the conclusion of the informal hearing.