

RULES AND REGULATIONS PERTAINING TO CERTIFICATION OF MANAGERS IN FOOD SAFETY

[R21-27-CFS]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

March 1993

AS AMENDED:

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

September 2007

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

September 2012

INTRODUCTION

These amended *Rules and Regulations For Certification of Managers in Food Safety* [R21-27-CFS] are promulgated pursuant to the authority conferred under chapters 23-1 and 21-27 of the General Laws of Rhode Island, as amended, and are established for the purpose of protecting Rhode Island consumers from foodborne illness.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, in the development of the regulations, consideration was to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations. Based on the available information, no known alternative approach, duplication or overlap was identified.

These amended regulations shall supersede all previous *Rules and Regulations For Certification of Managers in Food Safety* promulgated by the Department of Health and filed with the Secretary of State.

TABLE OF CONTENTS

	<u>PAGE</u>
PART I	
<u>DEFINITIONS</u>	1
R21-27-CFS	
1.0 Definitions	
PART II	
<u>CERTIFICATION REQUIREMENTS</u>	2
R21-27-CFS	
2.0 General Requirements	
3.0 Qualifications for Certification	
4.0 Application and Fee	
5.0 Responsibilities of Certified Managers in Food Safety	
6.0 Renewal of Certification	
7.0 Suspension or Revocation of Certification	
PART III	
<u>REQUIREMENTS FOR PROGRAM APPROVAL</u>	5
R21-27-CFS	
8.0 Approval of Manager Certification in Food Safety Training Program	
PART IV	
<u>ADMINISTRATION AND ENFORCEMENT</u>	7
R21-27-CFS	
9.0 Exemptions	
10.0 Administrative Fines	
11.0 Severability	

PART I DEFINITIONS

Section 1.0 *Definitions*

- 1.1 "Manager certified in food safety" means a person certified in this state in accordance with the requirements herein.
- 1.2 "Director" refers to the Director of the Rhode Island Department of Health.
- 1.3 "Division" means the Division of Food Protection, Rhode Island Department of Health.
- 1.4 "Employee" means any person who works with or without pay in a food establishment.
- 1.5 "Examination" shall mean an examination in food safety approved by the Division in accordance with the provisions of these regulations.
- 1.6 "Food establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes but is not limited to restaurants, caterers, nursing and retirement homes, hospitals, private clubs, industrial cafeterias, public and private educational institutions, and delicatessens in retail food stores that cook and offer prepared food in individual service portions.
- 1.7 "Food Safety Course" means a course approved by the Division in accordance with the provisions of these regulations.
- 1.8 "Full-time equivalent" means forty (40) hours a week.
- 1.9 "Potentially hazardous foods" means any food or food ingredient, natural or synthetic in a form capable of supporting a) the rapid and progressive growth of infectious or toxigenic microorganisms or b) the slower growth of *Clostridium botulinum*.
- 1.10 "Itinerant vendor" means a food vending business serving food or drink from any establishment or conveyance without fixed locations and without connection to water supply and sewage disposal systems.
- 1.11 "Bed and breakfast" establishment means an owner/occupied residence providing accommodations for a charge to the public in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to guests only. The total number of individuals served shall not exceed twelve (12), including the owner and any other individuals living or eating on the premises. Bed and breakfast establishments shall not include motels, hotels, or boarding houses.

PART II CERTIFICATION REQUIREMENTS

Section 2.0 *General Requirements*

- 2.1 Each food establishment where potentially hazardous foods are prepared shall employ at least one (1) full-time, on-site manager certified in food safety who is at least eighteen (18) years of age.
- 2.2 Establishments which employ ten (10) or more full-time equivalent employees directly involved in food preparation shall employ at least two (2) full time, on-site managers certified in food safety.
- 2.3 Establishments which primarily serve the elderly and individuals with diminished immune systems shall have a manager certified in food safety present during preparation of all hot potentially hazardous foods.
- 2.4 Once a manager certified in food safety terminates employment, establishments shall have sixty (60) days to employ a new manager certified in food safety, or have an individual enrolled in a Division approved food manager certification program in food safety. However, said time period may be extended by the Division.
- 2.5 Department of Health certificates for managers certified in food safety shall be prominently posted in the establishment next to the license to operate. The certificate shall be removed when the individual is no longer employed by the establishment.
- 2.6 No person shall use the title "Manager Certified in Food Safety", or in any way represent themselves as a manager certified in food safety unless they shall hold a current certificate pursuant to these regulations.

Section 3.0 *Qualifications for Certification*

- 3.1 In order to obtain certification as a manager in food safety an individual must meet the following requirements:
 - a) be of good moral character;
 - b) have successfully completed a food safety certification course approved by the Division within three years of application; and
 - c) have successfully passed a Division approved Food Safety Certification Examination administered under secure conditions.
 - i) If a person does not pass the certification examination after three (3) attempts, he/she must again successfully complete an approved food safety certification course prior to being admitted to any subsequent examination. All attempts at retaking the examination must be completed within six (6) months of successful completion of the course.
- 3.1.1 An applicant who has successfully passed a Division approved food safety examination after July 1, 1990 and prior to July 1, 1994 may be certified without having to complete a Division approved course in food safety. After July 1, 1994, all applicants must meet the requirements of 3.1 herein.

3.1.2 Reciprocity

- a) The Division will recognize similar course work and/or certificates and develop reciprocity agreements or similar approval agreements with educational institutions, industry, and state or local health departments, provided that:
 - 1) the course work or certificate was completed within three (3) years of applying for Rhode Island certification in food safety, and
 - 2) the standards for certification are essentially equivalent to the requirements of this regulation, and
 - 3) the reciprocal course and/or certificate is approved by the Division in writing.
- b) Reciprocity agreements shall be reviewed on an annual basis.

Section 4.0 *Application and Fee*

- 4.1 Application for certification shall be made on forms provided by the Division. Said forms shall be completed, notarized and submitted to the Division of Food Protection. Such application shall be accompanied by the following documents:
- a) for U.S. born applicant:
a certified copy of birth certificate;
For foreign born applicant:
proof of lawful entry into the country;
 - b) a recent identification photograph of the applicant, head and shoulder, front view, approximately 2x3 inches in size;
 - c) an application fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
 - d) certificate of successful completion of the Food Safety course.
 - e) examination results, mailed directly from the Division approved testing company.

Section 5.0 *Responsibilities of Certified Managers in Food Safety*

- a) The manager shall have supervisory, training, and management responsibilities and shall be responsible for food preparation and service with authority and responsibility to direct and control such activities.
- b) The manager certified in food safety shall notify the Division in writing within ten (10) days of a change of name, employment or address.
- c) The certified food safety manager is responsible for operating the establishment in compliance with all relevant federal and state rules and regulations pertaining to food.
- d) The certified food safety manager shall assure that all employees engaged in food preparation do so

in a manner consistent with food safety.

- f) The certified food safety manager shall develop a plan for assessing, monitoring, and controlling foodborne disease hazards in the food establishment.
- g) The certified manager shall report any illness which appears to be foodborne in nature to the Division within twenty-four (24) hours.

Section 6.0 ***Renewal of Certification***

- 6.1 Renewal of certification shall occur every three (3) years. On or before the 1st day of January of every third year, the Division of Food Protection shall mail an application for renewal of certification to each person to whom a certificate has been issued during the current certification period. Every person who intends to continue their certification shall submit a renewal application duly executed together with a renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and evidence of successful completion of the requirements as set forth in section 6.2. Managers of municipal or state food establishments shall be exempt from payment of the renewal fee.
- 6.2 In order to renew certification, applicants must present evidence of compliance with renewal requirements, which include:
 - a) completion of at least six (6) hours of Division approved recertification food safety instruction,
or
 - b) passing a Division approved Food Safety Certification Examination within one (1) year prior to the expiration of certification.
- 6.3 An individual with a certificate which has been expired for more than six (6) months must complete an approved food safety certification course before taking the examination.

Section 7.0 ***Suspension or Revocation of Certification***

Certification of managers in food safety may be suspended or revoked for repeated violations of the rules and regulations of the state of Rhode Island pertaining to Food Establishments or for preventing health department personnel from performing their duty.

The individual shall surrender the certificate to the Division when certification has been suspended or revoked.

Mandatory retraining may be required for certified managers employed in establishments where there is displayed an inability to maintain safe and sanitary food handling practices as demonstrated by foodborne illnesses, serious repeat violations or other factors increasing the risk to consumers.

The certificate holders at that establishment may be required to attend a Division approved training program and repeat all requirements for certification. Under the aforementioned conditions, the Division may also require all employees to attend a Division approved training program.

The Director may also take other appropriate action pursuant to the provisions of chapter 23-1.

PART III REQUIREMENTS FOR CERTIFICATION OF TRAINING PROGRAMS

Section 8.0 *Approval of Manager Certification in Food Safety Training Program*

8.1 All manager certification training programs must be approved by the Division. The Division shall approve only those programs offered by an approved institution/agency.

Approved institutions/agencies may include: departments of state government, colleges, universities, food/hospitality industry associations, industry chains, health care facilities, regional vocational/technical career centers, public high schools, institutional training programs or nutrition consultation agencies. Further, said course must be taught by an instructor who meets the qualifications in section 8.3. Course content must meet requirements found in section 8.4 of these regulations.

Any institution wishing to offer a training program for the certification of food managers shall apply to the Division for approval by submitting a completed application on forms provided by the Division, accompanied by documented evidence pertaining to no less than the following:

- a) sources and locations of potential students, faculty, classrooms, and other resources;
- b) names and qualifications of instructors;
- c) copy of curriculum, including any provision for practical experience;
- d) a copy of the course syllabus, which shall include:
 - 1) text book and other teaching materials used
 - 2) methods and locations used for instructions
 - 3) course content
 - 4) topics and length of class meeting
 - 5) method used to determine students participation and presence during the course sessions, examples, sign-up sheets, roster, provisions for make-up work, etc.

8.2 Approval shall be granted on a triennial basis, if the program is found to meet the prescribed requirements herein. Such approval shall be based on data accompanying the application for program approval and from on-site visits which may be conducted by the Division.

8.3 Criteria for Instructors:

To be eligible for approval as a training program, only instructors who meet the qualifications in this section can teach the course.

The minimum qualifications for a Division approved instructor are:

1. Possession of a bachelor degree with courses in the biological, chemical, or food/sciences; and at least two year's experience teaching or consulting on food related issues, or two year's employment in the food industry, or two year's employment with a food regulatory agency.

2. Currently certified in food safety through completion of the Educational Foundation or the Educational Testing Service's Food Protection Certification monitored examination with a final score of 90 or higher. If a final score of 90% or higher is not obtained after the second attempt, the individual must take an approved Food Safety Management Certification course prior to retaking the examination.
3. Successful completion of a fifteen (15) hour Division approved Food Safety Instructor Training Course. The requirements for successful completion of the fifteen (15) hour Division approved Food Safety Instructor Certification course may be waived by the Division upon presentation of equivalent educational credentials.
4. Commencing January 1993 and every three years thereafter, instructors must earn fifteen (15) professional development units. The fifteen (15) professional development units must equal fifteen (15) hours of Division approved training in food safety and sanitation topics. The following are examples of proof of such attendance:
 - a. A college transcript with course description.
 - b. A certificate of completion of the course with the course description.

8.4 Criteria for Course Content for the Certification of Managers in Food Safety:

Each course shall meet the standards for content and length of training, and must be based on:

- a) the Standards developed by the Ad Hoc Committee on Training, Testing and Certification of Food Managers as approved by the Conference for Food Protection.
- b) Rhode Island Rules and Regulations pertaining to food establishments, and
- c) current FDA model Food Sanitation Codes.

8.4.1 The course shall be a minimum of fifteen (15) hours in length. The instructor should consider expanding the number of contact hours when a review of the participants reveals learning disabilities, language barriers or other factors which may inhibit learning. The course shall provide the candidates for certification with the skills necessary to implement the "Demonstrable Elements of Competency" identified in the Conference for Food Protection standards for certification of food managers.

8.5 Records

Each approved institution must maintain records, for a minimum of three years, establishing its compliance with all requirements herein and such other records as the Division deems appropriate.

8.6 Denial, Suspension, or Revocation of Program Approval

- a) The Division shall monitor the performance of all programs, and shall consider the following in granting and revoking approval of programs:
 - 1) compliance with these regulations;
 - 2) ability to effectively train applicants in food safety principles; and
 - 3) instructor performance.

PART IV ADMINISTRATION AND ENFORCEMENT

Section 9.0 Exemptions

Employees of municipal and state food establishments shall be exempt from payment of the renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

The provisions of sections 21-27-11 through 21-27-11.13 of the general laws, and these regulations, shall not apply to:

- 1) Special events sponsored by town or nonprofit civic organizations such as, but not limited to, school sporting events, firemen's picnics, little league food booths, grange and church suppers, and fairs;
- 2) Temporary food services which have a frequency of less than six (6) events a year such as bazaars, bake sales, and suppers. Individuals responsible for temporary food operations preparing potentially hazardous foods shall be required to register with the Division, obtain food safety informational brochures, and distribute these materials to the individuals engaged in food preparation for the event;
- 3) Itinerant vendors and other food establishments that serve only commercially pre-packaged foods, beverages, and commercially precooked potentially hazardous foods requiring no manual handling of the food product such as frankfurters;
- 4) Retail food stores and delicatessens where only cold foods are prepared provided, however, that no vacuum packaging or other processes are performed which will support the growth of Clostridium botulinum.
- 5) Private homes, and bed and breakfast establishments.

Section 10.0 Administrative Fines

10.1 The Division after due notice and opportunity for hearing shall have the right to levy administrative fines of up to five hundred dollars (\$500) against any manager certified in food safety or food establishment who violates the provisions of the rules and regulations governing food establishments.

Section 11.0 Severability

11.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.