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TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 10 - FOOD PROTECTION

PART 2 – CERTIFICATION OF MANAGERS IN FOOD SAFETY

2.1 AUTHORITY AND PURPOSE

2.1.1 AUTHORITY

These amended Rules and Regulations for Certification of Managers in Food Safety are promulgated pursuant to the authority conferred in R.I. Gen. Laws Chapters 21-27 and 23-1, as amended, and are established for the purpose of protecting Rhode Island consumers from foodborne illness.

2.1.2 PURPOSE

The purpose of these rules and regulations is to provide the requirements for the certification and recertification of food safety managers.

2.2 DEFINITIONS

- A. "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.
- B. "Center" means the Center for Food Protection, Rhode Island Department of Health.
- C. "Director" means the Director of the Rhode Island Department of Health.
- D. "Employee" means any person who works with or without pay in a food establishment.
- E. "Examination" means an examination in food safety approved by the Center in accordance with the provisions of these regulations.
- F. "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.

- G. "Food Safety Course" means a course approved by the Center in accordance with the provisions of these regulations.
- H. "Full-time equivalent" means forty (40) hours a week.
- I. "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.
- J. "Manager certified in food safety" means a person certified in this state in accordance with the requirements herein.
- K. "Person in charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.
- L. "Time Temperature Control for Safety Food (TCS)" 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*.

2.3 CERTIFICATION REQUIREMENTS

2.3.1 GENERAL REQUIREMENTS

- A. Each food establishment where Time Temperature Control for Safety Food (TCS) is 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.
- B. Each food establishment where TCS is prepared must have a person in charge on-site during food preparation and serving times. The person in charge must demonstrate knowledge by successfully completing a Center approved food safety certification course.
- C. 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.
- D. 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 Center approved food safety course. However, said time period may be extended by the Center.

- E. 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.
- F. 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.

2.3.2 QUALIFICATIONS FOR CERTIFICATION

- A. In order to obtain certification as a manager in food safety an individual must meet the following requirements:
 - 1. be of good moral character;
 - 2. have successfully completed a food safety certification course approved by the Center within three years of application; and
 - 3. have successfully passed a Center approved Food Safety Certification Examination administered under secure conditions.
 - a. 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.
- B. Reciprocity
 - 1. The Center 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:
 - a. the course work or certificate was completed within three (3) years of applying for Rhode Island certification in food safety, and
 - b. the standards for certification are essentially equivalent to the requirements of this regulations, and
 - c. the reciprocal course and/or certificate is approved by the Center in writing.
 - 2. Reciprocity agreements shall be reviewed on an annual basis.

2.3.3 APPLICATION AND FEE

- A. Application for certification shall be made on forms provided by the Center. Said forms shall be completed and submitted to the Center for Food Protection. Such application shall be accompanied by the following documents:
1. A recent identification photograph of the applicant, head and shoulder, front view, approximately 2x3 inches in size;
 2. An application fee of fifty (\$50.00) dollars;
 3. Certificate of successful completion of the Food Safety course;
 4. Examination results, mailed directly from the Center approved testing company.

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

2.3.5 RENEWAL OF CERTIFICATION

- A. Renewal of certification shall occur every three (3) years. Within thirty (30) days prior to expiration of certification, the Center for 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 of fifty dollars (\$50.00), made payable to the General Treasurer, State of Rhode Island, and evidence of successful completion of the requirements as set forth in § 2.3.5(B) of this Part. Managers of municipal or state food establishments shall be exempt from payment of the renewal fee.

- B. In order to renew certification, applicants must present evidence of compliance with renewal requirements, including:
 - 1. Passing a Center approved Food Safety Certification Examination administered under secured conditions within one (1) year prior to the expiration of certification.
- C. An individual with a certificate which has been expired for more than six (6) months must complete an approved eight-hour food safety certification course including the examination.

2.3.6 SUSPENSION OR REVOCATION OF CERTIFICATION

- A. 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.
- B. The individual shall surrender the certificate to the Center when certification has been suspended or revoked.
- C. 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.
- D. The certificate holders at that establishment may be required to attend a Center approved training program and repeat all requirements for certification. Under the aforementioned conditions, the Center may also require all employees to attend a Center approved training program.
- E. The Director may also take other appropriate action pursuant to the provisions of R.I. Gen. Laws Chapter 23-1.

2.4 REQUIREMENTS FOR CERTIFICATION OF TRAINING PROGRAM

2.4.1 APPROVAL OF MANAGER CERTIFICATION IN FOOD SAFETY TRAINING PROGRAM

- A. All manager certification training programs must be approved by the Center. The Center shall approve only those programs offered by an approved institution/agency.
- B. 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 2.4.1(C) of this Part. Course content must meet requirements found in section 2.4.1(D) of this Part.

- C. Any institution wishing to offer a training program for the certification of food managers shall apply to the Center for approval by submitting a completed application on forms provided by the Center, accompanied by documented evidence pertaining to no less than the following:
1. Sources and locations of potential students, faculty, classrooms, and other resources;
 2. Names and qualifications of instructors;
 3. Copy of curriculum, including any provision for practical experience;
 4. A copy of the course syllabus, which shall include:
 - a. Textbook and other teaching materials used
 - b. Methods and locations used for instructions
 - c. Course content
 - d. Topics and length of class meeting
 - e. Method used to determine students participation and presence during the course sessions, examples, sign-up sheets, roster, provisions for make-up work, etc.
- D. 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 Center.
- E. 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 Center approved instructor are:

1. A minimum of two years' 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 a nationally accredited food safety certification program approved by the Center and completion of an approved examination from a nationally recognized testing company 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 an eight (8) hour Center approved food safety instructor training course. The requirements for successful completion of the eight (8) hour Center approved Food Safety Instructor Certification course may be waived by the Center upon presentation of equivalent educational credentials.
4. Commencing January 1993 and every three years thereafter, instructors must earn eight (8) professional development units. The eight (8) professional development units must equal eight (8) hours of Center 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

F. Criterial for Course Content for the Certification of Managers in Food Safety:

1. 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.
2. The course shall be a minimum of eight (8) 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.

G. Records

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

H. Denial, Suspension, or Revocation of Program Approval

1. The Center shall monitor the performance of all programs, and shall consider the following in granting and revoking approval of programs:
 - a. Compliance with these regulations;
 - b. Ability to effectively train applicants in food safety principles; and
 - c. Instructor performance.

2.5 ADMINISTRATION AND ENFORCEMENT

2.5.1 EXEMPTIONS

- A. Employees of municipal and state food establishments shall be exempt from payment of the renewal fee.
- B. The provision of R.I. Gen. Law §§ 21-27-11 through 21-27-11.13 of the general laws, and these regulations concerning certification of managers in food safety, 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 TCS shall be required to register with the Center, 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 TCS 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.

2.5.2 ADMINISTRATIVE FINES

- A. The Center after due notice and opportunity for hearing shall have the right to levy administrative fines of up to five hundred (\$500.00) dollars against any

manager certified in food safety or food establishment who violates the provisions of the rules and regulations governing food establishments.

2.5.3 SEVERABILITY

- A. 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.