

POLICY AND PROCEDURE

SUBJECT/TITLE:	Food Service Operation/Retail Food Establishment Complaints
SCOPE:	Food Safety Program, Environmental Health
CONTACT PERSON & DIVISION:	Stephanie Zmuda, RS, Environmental Health Director
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PURPOSE

The intent of this document is to set forth a policy and procedures for receiving reports of, and investigating, complaints involving a licensed food service operation or retail food establishment.

POLICY

The department accepts oral, written, and electronic complaints regarding food service operations and retail food establishments. The sanitarian may elect to forego investigating a nuisance complaint that is reported to the department, for the following reason(s):

- Alleged nuisance condition does not constitute a violation of the Ohio Administrative or Revised Codes that the Health Department has the authority to enforce;
- The complaint is determined to be frivolous;
- The complaint is not made in good faith; or
- The complaint is too old to be reasonably investigated.

If the sanitarian declines to investigate a food complaint, the reason must be documented and the report filed with public health nuisances and the food service operation or retail food establishment file, if applicable.

PROCEDURES & STANDARD OPERATING GUIDELINES

The table below outlines staff responsibilities.

Staff	Responsibility
Environmental Health Director	<ul style="list-style-type: none"> • Gathers the following information from the complainant, at a minimum: <ul style="list-style-type: none"> ○ Name, address, and phone number of the complainant, unless the complainant wishes to remain anonymous; ○ Name, address, and phone number of the food service operation or retail food establishment involved; and ○ A statement of facts about the complaint including the date and time of any alleged occurrence. Try to quote the complainant exactly, if possible. • Logs the complaint upon receipt by entering information in the public health nuisance module of HDIS. • Responds to complaints based on the potential risk to public health, and according to the following time frames: <ul style="list-style-type: none"> ○ Alleged conditions pose a clear and present danger to public health –

	<p>respond immediately</p> <ul style="list-style-type: none"> ○ Alleged conditions constitute a critical violation of the Ohio Uniform Food Safety Code – respond by the end of the business day the complaint was received ○ Alleged conditions constitute a non-critical violation of the Ohio Uniform Food Safety Code – respond by the end of the next business day <ul style="list-style-type: none"> • Researches the complaint and assembles background information, checking for any complaint history and pending action. • Conducts a thorough on-site inspection of conditions related to the complaint, and makes inquiries of the person in charge about general knowledge and procedures related to the complaint. • Collects evidence as necessary to demonstrate conditions at the facility. Evidence can consist of photos, lab results, samples, or other miscellaneous materials. Any evidence collected as part of a complaint or foodborne illness investigation must be clearly labeled as to date, location, and manner in which collected, as well as by whom. • Documents investigation outcome including: <ul style="list-style-type: none"> ○ Information gained during background research and the inspection; ○ Any actions taken during inspection; ○ A clear description of any violations observed; ○ Citation of acceptable corrective measures along with public health significance; and ○ Expected date of correction. • Discusses investigation outcome with the person in charge. • Takes enforcement action(s) according to the Food Safety Enforcement Policy & Procedures and as needed to achieve and maintain compliance with the Ohio Uniform Food Safety Code. • Resolves the complaint <ul style="list-style-type: none"> ○ Provides a copy of the final investigation report to the person in charge. ○
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CONTRIBUTORS

The following staff contributed to the authorship of this document:

1. Stephanie Zmuda, primary author

SIGNATURES

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Health Commissioner

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Date