



DEPARTMENT OF BUSINESS & PROFESSIONAL REGULATION
OFFICE OF INSPECTOR GENERAL



CHARLIE CRIST
GOVERNOR

CHARLES W. DRAGO
SECRETARY

MEMORANDUM

TO: Charles Drago, Secretary

FROM: Ned Luczynski, Inspector General *NJ*

**SUBJECT: Six Month Status of Corrective Actions, OPPAGA
Report No. 08-67, State Food Safety Programs**

DATE: June 23, 2009

In accordance with the provisions of s. 20.055(5)(h), Florida Statutes, we have reviewed the status of actions taken and additional comments made by the Division of Hotels and Restaurants in response to recommendations by OPPAGA. A copy of the original OPPAGA report is included for your review.

The recommendations, and the division's current status as of May 2009 are attached.

Please contact me if you have any questions.

Thank you.

RF/mos

cc: Bill Veach, Director of Hotels and Restaurants
Joint Legislative Auditing Committee

Attachment

*JLAC
Rec'd 6/24/2009*

Division of Hotels and Restaurants response to preliminary report entitled:
State Food Safety Programs Should Improve Performance and Financial Self-Sufficiency

#1 – Improve performance measurement

The October 2007 OPPAGA Progress Report No 07-41: *Division of Hotels and Restaurants Improves Operations and Makes Progress in Meeting Inspection Goals*, states:
“The division has added new performance measures to better reflect its core mission”.

Currently, seven of the division’s fifteen legislative performance measures apply directly to the food program. They are as follows:

- Percent of licenses in compliance with all laws and regulations for food service and public lodging establishments
- Number of inspections for food service and public lodging establishments
- Number of call back inspections for food service and public lodging establishments
- Number of participants trained (Hospitality Education Program)
- Percent of hotel and restaurant licenses processed within 30 days
- Percent of food establishments inspected according to statute
- Number of licensees for public lodging and food service establishments

The division has well established goals and objectives and strives for continuous improvement and refinement of the program. To further improve division business processes, each section manages its own continual improvement and refinement efforts. Highly motivated and resourceful staff is dedicated to protecting the public health as described in our mission statement. Technology is constantly leveraged and relied upon at every level to further enhance and streamline business processes, from desktop efficiencies to enterprise-wide initiatives.

Current status or additional information, May 2009:

Status remains at 100% compliance. Division continues to closely monitor legislative performance measures and dashboard data.

#2 – Increase the use of risk-based models

As reported in footnote #2 – “*To date, the Department of Business and Professional Regulation’s data system is the only one that allows inspectors to capture whether the food establishment was in compliance with each inspection item or whether some items were not applicable or were not observed.*” The division implemented this risk-based inspection system in July 2006. These changes are supported by the program’s strong inspection quality and standardization process, as well as call-back and enforcement procedures.

It is important to note that if the division were to adopt a risk-based frequency model, it would require substantially more resources to accomplish the additional inspections.

Current status or additional information, May 2009:

Status remains unchanged. While adopting the FDA risk-based frequency model would be the ideal solution, it would require substantially more resources to accomplish the

additional inspections. Preliminary calculations indicate that an additional 142 FTE would be required. These new positions would also require computers, vehicles, inspection tools and training.

Excerpt from FDA Food Code below: (H&R comments in blue font)

The rational allocation of inspection resources to target the highest risk establishments with more inspection time and the lowest risk establishments with the least is a HACCP approach concept. Risk categorization allows establishments to be ranked by considering risk factors and creating a variable inspection frequency for each category. An example of risk categorization and frequency of inspection is shown in Table 1.

Table 1. Risk Categorization of Food Establishments

RISK TYPE	RISK TYPE CATEGORY DESCRIPTION	FREQUENCY #/YR
1	Pre-packaged nonpotentially hazardous foods only. Limited preparation of nonpotentially hazardous foods only. DOACS grocery stores/packaged goods only and DOH bars	1
2	Limited menu (1 or 2 main items). Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations exclude deli or seafood departments. Raw ingredients require minimal assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to single meal service. Preparation processes requiring cooking, cooling, and reheating are limited to 1 or 2 potentially hazardous foods. DOACS convenience stores, DBPR hot dog cart	2
3	Extensive handling of raw ingredients. Preparation process includes the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next day-service is limited to 2 or 3 items. Retail food operations include deli and seafood departments. Establishments doing food processing at retail. DBPR restaurants, DOACS bakeries, deli's and seafood markets	3
4	Extensive handling of raw ingredients. Preparation processes include the cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous foods. Food processes include advanced preparation for next-day service. Category would also include those facilities whose primary service population is immunocompromised. DOH schools, hospitals, nursing homes, prisons	4
5	Extensive handling of raw ingredients. Food processing at the retail level, e.g., smoking and curing; reduced oxygen packaging for extended shelf-life. DOACS processing plants	4

#3 – Improve public access to inspection results

We are pleased the report acknowledges the consumer value of the division's website which includes posting of all inspection results.

Current status or additional information, May 2009

Status remains at 100% compliance

4 – Take additional steps to increase financial self-sufficiency

We are pleased the report acknowledges the division is financially self-sufficient and no additional steps are necessary at this time.

Current status or additional information, May 2009

Status remains at 100% compliance