

## **Food Service Management & State Health Laws**

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**([pdf Version](#))**

### **Concept:**

The public expects to be safe from food poisoning when they eat out, and to be free from environmental carcinogens.

### **Key Words:**

Hazard Assessment, Critical Temperatures, Significant hazards, FDA Inspection sheets, Food handlers & food handling, Food at risk, Food borne outbreaks, Manager training & certification, Inspection methods, places inspected, closures, education vs. policing, contamination, outbreak investigation.

### **Objective:**

After this seminar students should be able to describe

- The role of the public health agency in preventing the transmission of food borne illness
- Summarize the policies used to develop food service surveillance.
- The major topics upon which state public health law focuses
- The surveillance role of the local health agency in promoting food safety.
- The role of the Joint Commission for Health Care in developing new programs to improve access to health services.

[Read this material](#) on changes in food safety over last 100 years, from the MMWR FIRST. Schneider, 2nd Edn. Chapter 22

### **References:**

CMG Buttery - [Essays, No 8](#) Section on Food Service & [Essay 13](#), Laws..  
Maxcy Rosenau 13th Edn. Chapter 34. 14th Edn. Chap 10, Sec. A  
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## EPID-600 Introduction to Public Health Food & Law Lecture

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### Food protection:

Start by looking at the diseases [Food Borne Pathogens](#) then at [this chart](#) and then at this link to [Food borne Diseases](#) (have you seen any discussion of these in the MMWR since you have been in the course?). After this you should look at [this chart](#). As an example of a food poisoning outbreak consider this [nursing home](#) outbreak (no relation to the lecturer). As well as the items in the next paragraph consider the elements in [this notice](#) and how simple actions can prevent food poisoning. Take a look at the new [Food Service web](#) of the VDH (what was the score for the last restaurant in which you ate? will you eat there again?). Also, for comparison look at the City of Hamilton's [food service site](#). Take a look at the [criteria for inspections](#) (click on the [restaurant inspection](#) link). Also, to go with Dr. Buttery's slides (See Below) is this VDH .pdf file [Regulations for Food Service](#). ( Most of our discussion issues can be found on pages 13 & 14 - Article 4 - Inspections and correction of Violations. Do you think [mandatory posting](#) of food inspection scores in each restaurant, visible to the public, help improve food hygiene within a restaurant?

The VDH web site has completed its food page and the related regulations, statutes and forms, as well as the policies and philosophy. While much of information may be found by looking at the [Food Sanitation Related web sites](#) review the reports at the beginning of the food web sites which have been added for this evening's presentation. I strongly recommend scanning all these pages but **look at the [HACCP web page](#) in detail. The HACCP program is the most important international standard yet developed to protect food from growth to service. In particular look at the HACCP Principles and at least scan the elements within each principle. Then scan appendices E and F, examples of Critical Control Point decision trees.** Be sure you understand how a HACCP plan is developed and the [7 guiding principles](#).

Review [Dr. Buttery's Power Point](#) slides, [Slides for printing](#),. One of the best sets of slides from the food safety web is that from the [Minnesota Department of Health](#)

Consider the Food Safety Education for the public [web page](#) and consider how this information could be used to improve food hygiene in places that cater to the public in Virginia.

### Additional Reading:

An Important New Text, April 2003, available from the IOM: [Scientific Criteria to Ensure Safe Food](#) Review the Executive Summary.

Also November 3 (2003)- [Food Poisoning outbreak](#) in PA restaurant.

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## **Health Laws of Virginia A Commissioner's Perspective**

### **C.M.G. Buttery MD MPH**

You will be taught public health law in a course by Dr. Vance. He will give you the technical details of the laws that govern public health from Federal through state and local laws.

This session gives you an overview from the Health Commissioner's and local health director's viewpoints.

[Click Here](#) to obtain an overview of the process for making state health laws,

When State Health Commissioner, I could only enforce laws that came to me through the State Legislature. I had no authority to enforce health laws based on federal statutes, unless these statutes were codified into state law or adopted as part of a state law.

For example, the FDA enforces federal law regarding food safety, I could only refer violations to federal agencies unless the state had not adopted its own statutes in Title 35 of the Code of Virginia.

State Health Code, Title 32 of the state code, now has 8 chapters. There used to be 2 more for management of Medicaid, but they were removed from the health code and transferred into administration when Medicaid became a separate state agency in 1986. In addition to the Health Code there are statutes in the other titles of the state code that require action of the health department, either by direct enforcement or by cooperation. ([Code Titles](#) in Chapter 32 of the state code)

### **Chapter 1**

Organization and administration of the department as well as the appointment of the Commissioner and members of the Board of Health, also the organization of local health departments. This chapter sets standards for the selection of the Commissioner and the structure and functions of the State Board of Health which, in Virginia, is an advisory board to the Commissioner. In Texas, this is an administrative board. It selects the commissioner, with no oversight from the Governor.

What benefits or drawbacks do you believe might accompany either process?

### **Chapter 2**

Focuses on disease protection and dwells on immunization standards and reporting of communicable disease. Any changes to the immunization schedule have to be approved by the Board and pass through the "Administrative Process", unless deemed an emergency, and approved as such by the Governor.

What considerations do you think the Commissioner must consider before placing a disease on the list for either immunization or reporting?

### **Chapter 3**

Medical Care services deal not with a state medical care system, but with public health, and focuses on Maternal and Child Health (including licensing of midwives), the Virginia Voluntary formulary and the hemophilia program.

During Dr. Tweel's MCH presentation you will hear discussions of women's health problems and child health. Most of the discussion was on programs. What oversight would the Commissioner want and how would it be exercised?

## **Chapter 4**

Health Planning, deals with the Certificate of Need Program (COPN), health planning and resources development, a State Health Coordinating Committee and regional perinatal services.

What evidence have you seen of health planning? What is COPN supposed to accomplish? How effective has health planning been in Virginia? What is the current emphasis of health planning in the State Health Department?

## **Chapter 5-**

Licensing of Medical Care Facilities focuses on hospitals, nursing homes, Home Health Agencies, Hospices, EMS programs and blood bank licensing. These actions are necessary for the institutions to obtain federal reimbursement.

What Federal Act prompted this oversight? Has Federal oversight improved the quality of care? How can you measure the effectiveness of this oversight?

## **Chapter 6**

Environmental Services regulate sewage disposal, water supplies, hazardous wastes, mosquito control, migrant camps, radiation control, and toxic substances information

How is enforcement achieved for most programs? When do you resort to use of the courts?

## **Chapter 7**

-Vital Statistics: births, deaths, adoptions, name changes, marriages.

How important is collection of these data, why is timeliness important, how can collection be improved?

## **Chapter 8**

Postmortem examinations and medical examiner system.

What is the difference between a Medical Examiner system and a coroner system?  
What are the benefits of a post-mortem examination?

In addition to responsibilities outlined in the Health Title of the state code are statutes that ensure payment to universities and colleges for training health providers and in

## **Title 28.1**

Covers responsibility for Fish, Oysters and Shellfish managed by the environmental health division.

## Title 29

Contains laws related to rabies control, responsibility of animal and game wardens, care of pigeons and laws barring fighting animals. If the local health director has responsibility for animal control the ruling codes are found here.

## Title 35

Controls campgrounds, tourist establishments, and restaurants for which the Commissioner of health promulgates standards such as those for food preparation services (which you have already heard discussed tonight.)

## Title 40

Labor law involves the Health Commissioner's expertise and advice about toxic chemicals

## Title 54

Provides guidance the Commissioner guidance in the use of health professionals in Health Department programs.

## Title 62

Defines the relationships between the health department and the departments found in the secretariat of natural resources.

In addition to the above are various commissions on which the Commissioner or delegated staff members sit to give advice such as:

- The Developmental Disabilities Council
- The Solid Waste Commission
- The Migrant Workers Commission
- The Health Services Cost Review Council
- The Hazardous Waste Services Act Board
- The Council on the Environment
- An Agency, which provides Sewer and Water, loans to localities
- Soil Conservation Districts
- The Virginia Water Resources Research Center at VPI
- and the Virginia Institute of Marine Sciences.

**Reading: Gostin Larry O.:** Public Health Law: Power, Duty, Restraint. University of California Press Ltd. 2000 Chaps: 1 & 4. **[Note: This book is the required reading for Dr. Vance's Course on PH Law]**

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