

REGULATION NO. 2006-01a

**A REGULATION RELATED TO
FOOD SERVICE INSPECTION RESULTS PLACARD
IN ANDERSON COUNTY, KENTUCKY**

BE IT ORDAINED BY THE ANDERSON COUNTY BOARD OF HEALTH, by virtue of authority vested in KRS 212.230 which allows a local board of health to adopt, except as otherwise provided by law, administrative regulations not in conflict with the administrative regulations of the Cabinet for Health and Family Services necessary to protect the health of the people or to effectuate the purposes of this chapter or any other law relating to public health; after passage, approval and publication this regulation as follows:

SECTION (1): Definitions.

As used in this regulation, unless the context requires otherwise:

“Board of Health” means Anderson County Board of Health.

“Critical violation” means any four or five point violation as reported on the Inspection Report.

“Director of Health means the Director of Health of the Anderson County Health Department or their designee(s).

Fail/Pass history- A record that indicates a facility routinely fails the regular inspection and passes a scheduled follow-up inspection. Due regard for public health is not paramount within the facility. Therefore the facility does not maintain stringent health and sanitation standards. Posting an A placard within the facility, based on attaining an A level score on the follow-up inspection would not accurately reflect the public health risk. This facility must pass two successive regular inspection with 93% or higher before receiving an A placard.

“Food Service establishment” means those establishments that hold a permit as a food service establishment or a combination food service establishment/retail food store, issued by the Commonwealth of Kentucky Cabinet for Health and Family Services (or its successor), in accordance with provisions of the Kentucky Food Service Code.

History – A record of the food service facility’s inspection scores. A facility history will be designed as the two (2) most recent regular inspection scores.

“Inspection Report” means the results of an inspection of a food service establishment performed in accordance with the provisions of the Kentucky Food Service Codes.

“Kentucky Food Service Code” means the provisions of the Kentucky Food Establishment Act (KRS 217.015, et seq.) and the Kentucky Retail Food Code (90-2 KAR 45:005).

“Placard” means a document issued by the Health Department pursuant to this regulation which provides to the public information concerning the Inspection Report and Rating Score of the particular food service establishment for which it is issued.

“Rating Score” means the results of an inspection of a food service establishment as reported on the Inspection Report.

SECTION (2): Issuance of Placard.

The Health Department shall issue, or cause to be issued, an inspection results placard at the time of each inspection of a food service establishment within its jurisdiction. The placard shall show the name and address of the food service establishment for which it is issued, shall be approximately 8.5 X 11 inches in size, and shall contain in summary fashion, the results of the most recent Inspection Report and the Rating Score recorded therein, for the particular food service establishment. A smaller version of the placard will also be issued for establishments with drive-thru windows.

SECTION (3): Posting of Placard.

Each food service establishment shall post, in a location conspicuous to the public, the inspection results placard issued by the Health Department. Establishments with drive-thru windows shall also post the smaller placard in a conspicuous location for public who do not enter the building. The Health Inspector shall have the authority and responsibility for establishing the location of the placard, and for issuing the placard at the time of each inspection of a food service establishment where an Inspection Report is complete.

The placard shall remain the property of the Anderson County Health Department. No person shall move, alter, deface, or conceal from public view the placard posted pursuant to this regulation.

SECTION (4): Placard Scores.

Placard will consist of three letter grades A, B and C. These grades are defined as follows:

1. A = 93- 100% (No critical violations)
A Placard – Green (Good) acknowledge safe food handling practices and designate a facility as meeting requirements of the Kentucky State Food Code without critical violations. The A Placard shall remain posted until the next regular inspection.
2. B = 85 - 92% or below (To include ALL scores with corrected Critical violations)
B Placard – Blue (Acceptable) acknowledges a food facility has met minimum requirements of the Kentucky State Food Code. The facility may have a critical violation that is corrected during inspection. Any facility which attains an A level score, but has a fail/pass history, will not earn an A card until two

successive A level scores are attained. The B placard shall remain posted until the next regular inspection.

3. C = 84% or below (To include ALL scores with uncorrected critical violations)

C Placard – Red (Marginal) indicates that a food service facility has failed to meet minimum requirements of the Kentucky State Food Code. This will include a score with any critical violation that is not immediately corrected. The C placard shall be placed for a minimum of seven (7) days. A follow-up inspection will be conducted within ten (10) days and the applicable placard posted.

SECTION (5): Schedule of Inspections.

Each Food service establishment shall be subject to routine inspection, and necessary re-inspection, in accordance with the provisions of the Kentucky Food Service Code. In the event of any conflict between the inspection provisions of the Kentucky Food service Code and this regulation, the term of the Kentucky Service Code shall prevail.

A food service establishment, which meets or exceeds minimum standards by receiving a Rating Score of 85 or greater on the Inspection Report, with no critical violations, shall post the inspection report placard until the next routine inspection.

A food service establishment, which fails to meet minimum standards by receiving a Rating Score of 84 or less, or due to critical, numerous or repeated violations, shall post the inspection results placard for a period of seven (7) consecutive days. If the permit holder or operator of the establishment requests a re-inspection, such re-inspection shall be made within ten (10) working days. If, in the opinion of the Health Inspector a new inspection results placard would more accurately report to the public the conditions of the establishment or re-inspection, and then a new inspection results placard may be prepared and shall remain posted until the next regular inspection.

If, upon any re-inspection, the Rating Score of the establishment is reported at 85 or greater, with no critical violations, a new inspection results placard shall be posted for the establishment provided such posting is not in conflict with the previous paragraphs of this section.

A facility, which fails a follow-up inspection, will be required to display a B placard after passing the next follow-up inspection. The B placard must be displayed until the next regular inspection.

SECTION (6): Penalties.

Any violation of the provisions of this regulation shall be punishable by a fine of not less than five dollars (\$5) or more than one hundred dollars (\$100) per day for each day of violation, in accordance within KRS 212.990.

SECTION (8): Effective Date.

This regulation shall become effective October 15, 2006.

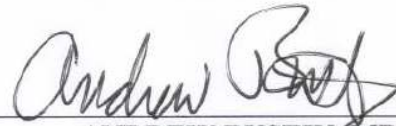
SECTION (9): History.

Original Regulation passage September 13, 2006.

Amended Regulation passage April 22, 2009.

INTRODUCED, AND APPROVED by the Anderson County Board of Health, Kentucky, upon motion of S. Cornish, seconded by J. Hopkins, at a duly convened meeting held on the 22 day of April, 2009.

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**ANDREW BUSTIN, MD
CHAIRMAN**

ATTEST:



**BRANDON HURLEY
PUBLIC HEALTH DIRECTOR**