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Food Establishment License Flowsheet

B

*Assisted Living Program Guide*

Yes

Does the ALP meet the exceptions to the FEL requirements as listed in 481 IAC 69.28(6)? \*

See list of exceptions at end

ALP must obtain a food establishment pursuant to 481 IAC 30

STOP

ALP does not need to obtain a food establishment license

STOP

A

B

C

Campus setting would need just one FEL. If one of the entities already has a FEL, that can serve as the one license for the entire campus

STOP

Is the ALP:

1. Freestanding ALP and preparing/serving food for ALP only?
2. ALP is part of campus with NF/RCF **and** SH and the NF/RCF prepares/serves food for both the ALP and SH or just the SH?
3. Campus setting with NF and ALP only and NF only prepares and serves food for ALP
4. ALP serves congregate meals/meals on wheels/outside entity?

NO

D

No FEL is necessary for NF

A FEL may be needed for ALP. IF ALP meets exceptions in 481.69.28(6) (see at end of document), a FEL would not be necessary for ALP.

To further avoid licensure issues, as soon as the food is served on the steam cart, serve the food soon as possible. If it is held for more than 1 hour it may trigger a FEL.

STOP

ALP will need to obtain a food establishment license pursuant to Iowa Code 137F and 481 IAC Chp. 30

STOP

**\***Please see FAQ and exception regulations for ALP on subsequent pages

* FEL = food establishment license
* SH = Senior Housing

# Assisted Living Exception 481.69.28(6)

The department will not require the program to be licensed as a food establishment if the program limits food activities to the following:

1. All main meals and planned menu items must be prepared offsite and transferred to the program kitchen for service to tenants.

1. Baked goods that do not require temperature control for safety and single-service juice or milk may be stored in the program’s kitchen and provided as part of a continental breakfast.

1. Ingredients used for food-related activities with tenants may be stored in the program’s kitchen. Tenant activities may include the preparation and cooking of food items in the program’s kitchen if the activity occurs on an irregular or sporadic basis and the items prepared are not part of the program’s menu.

1. Appropriately trained staff may prepare in the program’s kitchen individual quantities of tenant-requested menu-substitution food items that require limited or no preparation, such as peanut butter or cheese sandwiches or a single-service can of soup. The food items necessary to prepare the menu substitution may be stored in the program’s kitchen. These food items may not be cooked in the program’s kitchen but may be reheated in a microwave. A two- or four-slice toaster may be used for tenant-requested menu-substitution items, but no bare-hand contact is permitted.

1. Tenants may take food items left over from a meal back to their apartments. The program may not store leftovers in the program’s kitchen.

1. Warewashing may be done in the program’s kitchen as long as the program utilizes a commercial dishwasher and documents daily testing of sanitizer chemical ppm and proper water temperatures. Verification by the department of these practices may be conducted during on-site visits.

# FAQ

Q1. After reviewing the flowsheet and to avoid penalization from DIA, must we have a valid license issued by the end of April or only need to have applied by the end of April?

A1. The organization or campus setting need only to have applied for the license by the end of April.

Q2. Do we apply through DIA or the county?

A2. It depends on which county the organization or campus setting which is seeking licensure is located. See this website from DIA which provides the application process and information for each county. <http://www.state.ia.us/government/dia/page27.html>

Q3. How would an entity that is applying for a food establishment license (FEL) calculate their “gross sales” for purposes of the licensure fee? How would that formula be applied in the context of a one campus setting with one FEL covering multiple providers?

A3. Only the sales of the food covered under the food establishment license would need to be included in the fee determination. If there are not traditional sales figure, DIA would allow the facility to use “food costs” of those items to determine licensure fee.

Q4. When there is a campus setting that requires one FEL, which entity on campus applies foe the license (is it the location where the food is stored and prepared v. served)?

A4. Assuming the entire campus is under the same ownership, any of the entities can apply for the FEL. All areas that prepare, store, serve, vend or otherwise provide food that triggers the FEL are subject to inspection report would be where the food establishment regulated food are served so they can be easily viewed by the consumer. In the case the food is not on campus (i.e. meals on wheels) the license and inspection report should be posted in the public area of the NF.

# Fact Pattern #1 and corresponding frequently asked Q & A

Freestanding NF/SNF that prepares and serves food for their residents, but also prepares and serves food for an outside purpose (congregate meals, meals on wheels, prison, day care etc.), as a result a FEL would be required.

* 1. Since a FEL would also be required, does that mean the NF/SNF would be subject to Chp. 30 food inspectors, in addition to the health facilities division surveyors? Yes. However only the food, equipment, facilities and staff utilized in the preparation of the foods for “outside” consumers would be subject to Chapter 30. This is the same relationship we have with hospitals that serve food to other than patients and staff.
	2. Would that also mean the NF has to comply with all chapter 30 and 31 rules (food establishment licensure rules<https://www.legis.iowa.gov/docs/aco/chapter/481.30.pdf> and ) in addition to chp. 58 (nursing facility rules chapter<https://www.legis.iowa.gov/docs/aco/chapter/481.31.pdf>) ? Yes. The food, equipment, facilities, and staff utilized in the preparation of foods for “outside” consumers are subject to Chapters 30 and 31.
	3. If the NF is required follow all chapter 30 and 31, does that means the NF would now be required to follow 2009 Food Code, even though chapter 58 only requires 1999 Food Code? Yes. The food, equipment, facilities, and staff utilized in the

preparation of foods for “outside” consumers are subject to the 2009 FDA Model Food Code and the Iowa amendments set forth in Chapter 31.

* 1. If the NF/SNF has to follow chapter 31, does that mean the NF must hire a certified food protection manager (CFPM) as required by chapter 31? Yes; this could be a new hire or current employee. If so, do any of the current requirements under chp. 58 to have a qualified dietary supervisor run parallel or exceed the requirements to become a CFMP, thus relieving the NF from also having a CFPM? The food establishment must employ a CFPM that has management responsibility and the authority to direct and control food preparation and service. Time frames for this requirement are located in Chapter 31. The CFPM courses and exams are “food safety” specific. Although the Food & Consumer Safety Bureau is not familiar with the specific curricula, parts of the curricula for a “qualified

dietary supervisor” may include food safety topics. There are several ANSI Accredited CFPM programs that meet the requirement. If an exam from one these ANSI Accredited Programs was taken as a part of the dietary supervisor qualification and a certificate is current and available, this requirement would be met. The Food and Consumer Safety Bureau would be willing to review the “qualified dietary supervisor” curricula that specifically relates to food safety to determine if a waiver from the CPFM requirement is a possibility.

# Fact Pattern #2 and corresponding frequently asked Q & A

**One campus setting where NF prepares and serves food to ALP and IL/SH or just SH/IL that would trigger the entire campus to have one FEL. In that scenario, is the NF going to be subject to a chp. 30 inspection?** Yes. **Assuming ALP meets exceptions in 69.28(6) they will not be subject to chp. 30 inspectors, correct?** Correct. **What about the IL?** The IL is similar to the “meals on wheels” in that these residents are not patients or staff. They are also not covered under any ALP exceptions. So, the IL is always subject to food establishment licensing and any areas of the campus involved in the preparation, storage or service of the foods provided to the IL residents are subject to food establishment inspection.

a. **If in this case the NF and would be subject to chapter 30 inspections, and have same answer as a-d above?** Yes.