



FOOD SERVICE INSPECTION PROGRAM OVERVIEW

Licensing

With few exceptions, those offering food and lodging to the general public are licensed and regulated by the State of SD. The owner of a food or lodging establishment shall contact the Department of Health (DOH) prior to operation to determine if the minimum code requirements have been met.

Once it has been determined an establishment has met the minimum requirements and has passed an initial pre-operational inspection by the DOH a State Food Service or State Lodging license may be issued.

FOOD SERVICE MINIMUM REQUIREMENTS:

- Verified safe/adequate water supply
- Approved waste water system
- Adequate plumbing (e.g. hand washing, dish washing, prep sink, bathroom) facilities are provided
- Proper exhaust hood system is installed (if needed)
- General building (e.g. lighting, storage, floor/wall/ceiling) and equipment (e.g. refrigeration) issues are addressed
- Designated Certified Food Manager
- Processing of application/fees

[Food Service License Application](#)

[Online License Renewal](#)

Basic Information

After the initial establishment licensing, the DOH will contract out the majority of future inspections to the [Dept. of Public Safety \(DPS\)](#).

- DOH staff provides training, reference material, equipment, technical assistance and other support to DPS inspectors through regional advisors.
- DPS is notified of newly licensed establishments and assigns routine inspections to local field staff who have designated territories within the state.
- Each calendar year, two inspections are targeted for each licensed food service establishment and one inspection for each licensed lodging establishment within the jurisdictional areas of the state.
- DOH may assist in conducting all types of inspection as needed.

INSPECTION TYPES:

- **Routine** – Normal inspection as required by statute.
- **Follow-Up** – Also known as a re-inspection, usually initiated after numerous or severe deficiencies are detailed on the routine inspection and scheduled 60 days after the routine inspection. A requested expedited inspection also falls under this category.
- **Complaint** – An inspection due to possible illness or criticism, usually reported by the consumer to DOH.
- **Investigation** – Inspection usually associated with a foodborne illness outbreak or serious complaint/concern. Usually more in-depth, may be announced or unannounced and may be coordinated with other agencies.

- **Other** – Variety of purposes include; new or unlicensed inspections, training, courtesy or joint inspections, etc.

Routine Inspection

The DPS inspector determines which establishment he/she will inspect that day based on several factors some of which include; length of time between inspections, other inspections that may be needed in the same locale, and other scheduling concerns.

Inspections are conducted during normal hours of operation. The inspector will carry identification, announce his/her arrival and purpose of visit to the person in charge. The person in charge is encouraged to accompany or ask questions during the inspector's visit. The duration of the inspection may vary from a half an hour to a couple of hours. The length of time may depend upon the size and complexity of the establishment, the number of violations marked or other factors.

Routine inspections are typically made on an unannounced basis to determine that the everyday methods of operation are in compliance with the regulations.

Although unannounced the establishment is encouraged to take steps to prepare for an inspection. These steps may include:

- Periodically training staff on the regulations
- Posting and reviewing previous inspections with staff to help prevent repeat violations and convey the overall importance of the inspection process
- Following a sanitation and maintenance schedule, organizing and/or labeling items in storage
- Having staff perform self audits with a checklist, know and reinforce priorities with staff (e.g. frequent hand washing, maintaining temperatures etc.),
- Provide incentives or recognition for good performance etc.

To protect the public, inspectors are authorized to:

- Inspect records
- Take measurements or other readings with assigned equipment
- Obtain samples
- Condemn distressed or adulterated food
- Take photos
- Notify Dept. of Health or other officials of imminent health hazards or other serious concerns

WHAT DOES THE INSPECTOR LOOK AT?

- Verifying certified food manager status and license information.
- Looking over the menu, records or other documentation.
- Making observations of sanitary conditions of physical surroundings, equipment, employee practices/procedures, etc.
- Checking food and water temperatures, storage conditions, chemical concentrations etc.
- Talking to or asking questions of staff members.
- Reviewing changes or renovations.

Inspection Process

Food service regulations are detailed in the [SD Food Service Code](#) (which is modeled after the [FDA Food Code](#)).

The food service inspection is the written report that is provided to the person in charge after the inspection is completed. It is a 44 item inspection form divided into 6 operational categories. Each item carries a point value that when added together total 100.

CRITICAL (SHADED GREY)

Examples of critical items may include:

- Poor personal hygiene
- Inadequate cooking
- Improper holding/Time and Temp.
- Food protection from contamination

NON-CRITICAL (NO SHADING)

Examples of non-critical items may include:

- Environmental cleanliness
- Lighting
- Bathrooms
- Refuse storage

Items which contribute most directly to the health and safety of the consumer receive primary attention.

ONCE THE INSPECTION IS COMPLETED the inspector will conduct an exit conference with the person in charge. The inspector will attempt to:

- Conduct the conference in private area.
- Review findings, provide specific examples of any violations, indicate what the requirement is or identify the code reference, provide guidance to prevent repeat violation(s).
- Help resolve any misinterpretation of the findings. Note: Disagreements with any findings are best resolved at this juncture since inspection scores/comments are rarely altered once the inspection is over. It is important to realize that inspections are considered to be a reflection of conditions at that point in time.
- Indicate a timeframe for the operator to take corrective action on critical items.
- Obtain a signature when possible to acknowledge that an inspection has been performed and reviewed.
- Provide a hard copy of inspection to establishment.
- Submit inspection to DOH.

The person in charge (owner/manager) may:

- Contact DOH administration with any unresolved or disputed inspection findings.
- Contact DOH to request an expedited inspection of an establishment if the last routine inspection score is between 80-89. The expedited inspection will be scheduled and once performed the establishment will be billed the \$100 fee required by statute.

Once the inspection is finished, the form is submitted to DOH for filing and uploaded to the DOH website for public consumption. Currently, the two most recent inspection scores are made available on the website however soon the full inspection (scores and comments) will be accessible.

FAILED ROUTINE INSPECTION

A low score, several critical violations, or even one serious or unsafe condition reported on the routine inspection may generate additional examination by DOH.

Each instance is reviewed on a case by case basis by DOH administration. If a licensed establishment is not being operated and/or maintained in a manner required by the provisions of the code then a 60-day follow-up inspection may be issued. A letter notifying the establishment of the reason for the follow-up inspection and the approximate date of the follow-up will be sent to the license holder.

FAILED ROUTINE INSPECTION

If the inspector finds upon re-inspection that no significant improvement has been made or the establishment is still not being conducted, operated, and maintained in a manner required by the provisions of the code then DOH administration and legal counsel will evaluate the situation to determine what (if any) additional action to take on an establishment. Case information, history, and other relevant considerations are reviewed to help chart a course of action.

The course of action can vary; all the way from revocation of a license to no action at all. Steps in between may include; suspension of license, joint agreement, initiation of a legal hearing, further investigation by either DPS or DOH, and so on...

DOH will make every reasonable effort to arrange a fair and equitable resolution for any corrective action(s) that may be required of an establishment. Ultimately the goal is to resolve issues that may be detrimental to the general public.

Inspectors

Inspectors vary in experience, background, personality, and other qualities. DOH strives to instill the following principles with all inspectors:

- Always maintain a professional and courteous manner.
- Primarily focus the inspection critical violations or on risk factors that contribute to foodborne illness in the case of food service inspections or life safety and health issues in the case of lodging inspections.
- Keep a fair and impartial approach to the process and the establishment - avoid "gotcha" or trivial type situations.
- Educate and inform operators of best practices that are proven to reduce health and safety concerns .
- Listen to operators and maintain an approachable manner help create a positive dialog.

Questions?

Find contact information for a [Health Protection Advisor](#) in your region

