

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Food Service Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
750.10	Amend
750.555	New Section
750.1810	Amend
750.1812	New Section
750.1814	New Section
750.1815	Amend
750.1820	Amend
750.1830	Amend
750.1831	Amend
750.1835	Repeal
750.1836	Repeal
750.1837	Repeal
750.1850	Amend
750.1855	Repeal
750.1860	Amend
750.1861	Repeal
750.1862	Repeal
750.1865	Repeal
750.1868	Repeal
750.1870	Repeal
750.1876	Repeal
750.1880	Repeal
750.1890	Amend
750.1895	Repeal
750.APPENDIX B	Repeal
750.APPENDIX C	Repeal
750.APPENDIX D	Repeal
750.APPENDIX E	Repeal
- 4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Food Handling Regulation Enforcement Act [410 ILCS 625], and Sanitary Food Preparation Act [410 ILCS 650].

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- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend definitions; amend requirements for certification and recertification issuance for Food Service Sanitation Manager Course (FSSMC) Certified Instructors; update course criteria qualifications, the procedure for becoming an instructor and the renewal process; add a new proctor application fee and approval process; and amend enforcement procedures for instructors administering the FSSMC course and exam. Several Sections and Appendices in the Code are being repealed to implement Public Act 93-0566, which reduces the required training hours for an FSSMC from 15 down to seven and eliminates the State FSSMC exam. Clean-up changes are being made in the Section detailing required training hours for the Food Service Sanitation Manager Certification. The outdated number of hours that should have been removed in the amendment effective May 21, 2014 is now being removed.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register citation:</u>
750.5	Amend	38 Ill. Reg. 10822; May 23, 2014
750.10	Amend	38 Ill. Reg. 10822; May 23, 2014
750.570	New Section	38 Ill. Reg. 10822; May 23, 2014
750.3400	New Section	38 Ill. Reg. 10822; May 23, 2014
750.3410	New Section	38 Ill. Reg. 10822; May 23, 2014
750.3420	New Section	38 Ill. Reg. 10822; May 23, 2014
750.3430	New Section	38 Ill. Reg. 10822; May 23, 2014

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043

e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: FSSMC Certified Instructors and Businesses
- B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.
- C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

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750.5	Incorporated and Referenced Materials
750.10	Definitions
750.20	Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section	
750.100	General
750.110	Special Requirements
750.120	General – Food Protection
750.130	General – Food Storage
750.140	Refrigerated Storage
750.150	Hot Storage
750.151	Ready-to-Eat Potentially Hazardous Food, Date Marking
750.152	Ready-to-Eat Potentially Hazardous Food, Disposition
750.153	Time as a Public Health Control
750.155	Damaged Food Containers
750.160	General – Food Preparation
750.170	Raw Fruits and Raw Vegetables
750.180	Cooking Potentially Hazardous Foods
750.185	Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186	Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187	Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
750.188	Plant Food Cooking for Hot Holding

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750.189	Microwave Cooking
750.190	Dry Milk and Dry Milk Products
750.200	Liquid, Frozen, Dry Eggs and Egg Products
750.208	Preparation for Immediate Service
750.210	Reheating for Hot Holding
750.220	Nondairy Products
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750.240	Thawing Potentially Hazardous Foods
750.250	Food Display and Service of Potentially Hazardous Food
750.260	Display Equipment
750.270	Reuse of Tableware
750.280	Dispensing Utensils
750.290	Ice Dispensing
750.300	Condiment Dispensing
750.310	Milk and Cream Dispensing
750.320	Re-Service
750.325	Special Requirements for Highly Susceptible Populations
750.330	General – Food Transportation
750.340	Public Health Protection
750.350	Preventing Health Hazards, Provision for Conditions Not Addressed
750.360	Variances
750.370	Justification for and Documentation of Proposed Variance

SUBPART C: PERSONNEL

Section	
750.500	General – Employee Health
750.510	General – Personal Cleanliness
750.512	When to Wash Hands
750.514	Where to Wash Hands
750.516	Hand Antiseptics
750.520	General – Clothing
750.530	General – Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.551	Certification and Recertification Issuance
<u>750.555</u>	<u>Change of Address or Name</u>
750.560	Certificate Revocation or Suspension

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SUBPART D: EQUIPMENT AND UTENSILS

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750.600	General – Materials
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750.640	Mollusk and Crustacea Shells
750.650	General – Design and Fabrication
750.660	Accessibility
750.670	In-Place Cleaning
750.680	Thermometers
750.690	Non-Food-Contact Surfaces
750.700	Ventilation Hoods
750.710	General – Equipment Installation and Location
750.720	Table-Mounted Equipment
750.730	Portable Equipment
750.740	Floor-Mounted Equipment
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SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

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750.800	Cleaning Frequency
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750.820	Manual Cleaning and Sanitizing
750.830	Mechanical Cleaning and Sanitizing
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750.850	Equipment, Utensil, and Tableware Handling
750.860	Equipment, Utensil, and Tableware Storage
750.870	Pre-Set Tableware
750.880	Single-Service Articles
750.890	Prohibited Storage Area

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750.1000	General – Water Supply
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750.1020	Bottled Water
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750.1070	Nonpotable System
750.1080	Backflow
750.1090	Grease Traps
750.1100	Drains
750.1110	General – Toilet Facilities
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750.1350	General – Premises
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SUBPART H: MOBILE FOOD SERVICE

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750.1500	General – Mobile Food Units
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750.1570	Servicing Operations

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750.1600	General – Temporary Food Service Establishments
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750.1650	Wet Storage
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750.1680	Floors
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SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section	
750.1800	General

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750.1810	Instructor Approval
<u>750.1812</u>	<u>Instructor Renewal</u>
<u>750.1814</u>	<u>Proctor Approval</u>
750.1815	<u>Instructor and Proctor Compliance and Enforcement Process</u> Denial
750.1820	Course Content
750.1830	Course Approval
750.1831	Alternative <u>Training</u> Methods of Training
750.1835	Make Up Work <u>(Repealed)</u>
750.1836	Home Study <u>(Repealed)</u>
750.1837	Course Waiver <u>(Repealed)</u>
750.1838	Course Denial
750.1840	Reciprocity
750.1850	Certification Examination
750.1855	Testing Criteria <u>(Repealed)</u>
750.1860	<u>Administration of Examination</u> Notification
750.1861	Class Enrollment Form <u>(Repealed)</u>
750.1862	Administration of Examination <u>(Repealed)</u>
750.1865	Monitors <u>(Repealed)</u>
750.1868	Cheating <u>(Repealed)</u>
750.1870	Re-test Class <u>(Repealed)</u>
750.1876	Dictionary <u>(Repealed)</u>
750.1880	Retake Examination <u>(Repealed)</u>
750.1890	<u>Revocation of Certificates</u>
750.1895	Change of Address <u>(Repealed)</u>

SUBPART K: REDUCED OXYGEN PACKAGING

Section	
750.2000	General
750.2010	Acceptable Products
750.2020	Employee Training
750.2030	Refrigeration Requirements
750.2031	Labeling – Refrigeration Statements
750.2032	Labeling – "Use By" Dates
750.2040	Safety Barriers
750.2041	Fish and Fishery Products
750.2042	Safety Barrier Verification
750.2050	Hazard Analysis Critical Control Point (HACCP) Program

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750.2060 Precautions Against Contamination
750.2070 Disposition of Expired Product
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SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000 Exceptions
750.3100 Meat and Poultry Labeling
750.3200 Smoked Meat, Poultry and Other Food Products
750.3300 Curing of Meat and Poultry

750.APPENDIX A Retail Food Sanitary Inspection Report
750.APPENDIX B Examination Date Notification Form (Repealed)
750.APPENDIX C Class Enrollment Form (Repealed)
750.APPENDIX D Permission to Retake Certification Examination Form (Repealed)
750.APPENDIX E Monitor's Agreement Form (Repealed)

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21], ~~and~~ Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37

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Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. 11775, effective May 21, 2014; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 750.10 Definitions

"Acceptable product list" means a list of foods ~~that are,~~ acceptable to the regulatory authority ~~and,~~ that, because of their characteristics, will present a barrier to the growth of Clostridium botulinum.

"Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development, after which it is removed from the incubation before hatching.

"Barrier" means a safety factor of a physical, biological, or chemical nature that inhibits or minimizes the growth of microorganisms, including those ~~which~~ that may be infectious or toxigenic.

"Beef pattie mix" (or "beef patties" if in pattie form) means chopped beef with or without the addition of beef fat ~~as such~~ and/or seasonings.

"Beverage" means a liquid for drinking, including water.

"Category I facility" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

Potentially hazardous foods are cooled, as part of the food handling operation at the facility;

Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

Potentially hazardous cooked and cooled foods must be reheated;

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Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;

Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

Immunocompromised individuals such as the elderly, young children under age four and pregnant women are served, where these individuals compose the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;

Foods are prepared from raw ingredients, using only minimal assembly; and

Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

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Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

Only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped non-potentially hazardous yeast or cake-type bread, bun, croissant or roll with or without filling and/or icing.

"Commingle" means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or

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food processing plant, and does not offer the food for resale.

"Controlled atmosphere packaging" or "CAP" means an active packaging system that continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health or his or her designee.

"Easily cleanable" means that surfaces are readily accessible and made of material and finish and fabricated so that residue may be effectively removed by normal cleaning methods.

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"Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites or turkey. The term does not include a balut; the egg of reptile species such as alligator; or an egg product.

"Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means conversion of an existing structure for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food-processing establishment" means a commercial establishment in which

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food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Meat and Poultry Act; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or

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seasoning and shall not contain more than 30 percent fat.

"Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

"Hazard Analysis Critical Control Point Program" or "HACCP" means a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

"Highly susceptible population" means persons who are more likely than other people in the general population to experience food-borne disease because they:

Are immunocompromised; preschool age children, or older adults; and

Obtain food at a facility that provides services such as custodial care, health care, or assisted living (such as a child or adult day care center, kidney dialysis center, hospital or nursing home), or nutritional or socialization services (such as a senior center).

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purées of the edible portions of one or more fruits or vegetables, or any concentrates of ~~the such~~ liquid or puree. The term does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

"Kitchenware" means all multi-use utensils other than tableware.

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"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, and inn or other quarters that provide temporary sleeping facilities open to the public.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions of the scallop, except when the scallop product consists only of the shucked adductor muscle.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, or Standard Methods for Examination of Dairy Products, 17th Edition, as incorporated in Section 750.5(b)(1) and (2).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped. The term "packaged" does not include a wrapper, carry-out box, or other non-durable container used to containerize food for the purpose of facilitating food protection during service and receipt of the food by the consumer.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120°F) of fresh beef tissue. The product shall have a pinkish color and a fresh odor and appearance.

"Pasteurized shell eggs" means eggs still in their shells that have been heat treated to destroy *Salmonella enteritidis* to the FDA standard of 5-log reduction and, thus, are exempt from the status of a potentially hazardous food because no viable salmonellae exist.

"Person" includes any individual, partnership, corporation, association, or other

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legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of *Clostridium botulinum*; or, in raw shell eggs, the growth of *Salmonella enteritidis*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity (a_w) value of 0.85 or less; or

Are ~~a food~~, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

"Preservative" means any curing agent or curing accelerator (specific chemical agent that extends the shelf life of the product) that cures, accelerates color fixing or preserves color in meat or poultry products, including sodium nitrate or potassium nitrate, sodium nitrite or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products

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for sale or for customer service.

"Proctor" means a person who is approved by a national examination provider to administer examinations and who monitors students during an examination.

"Pushcart" means a non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ratite" means a flightless bird such as an emu, ostrich or rhea.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Washed and cut raw fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excluding whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form. "Reduced

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oxygen packaging" includes:

Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;

Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;

Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that, until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;

Cook chill packaging, in which cooked food is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Sous vide packaging, in which raw or partially cooked food is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Re-service" means the transfer to another person of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer.

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"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component of or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act, they are "safe" only if they are used in compliance with regulations established pursuant to section 409 or 706 of the Food, Drug, and Cosmetic Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in compliance with all applicable regulations of the Food, Drug, and Cosmetic Act that are incorporated by reference in Section 750.5 of this Part.

"Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

"Shellstock" means raw in-shell molluscan shellfish.

"Showering" means a potable water spray with or without liquid smoke in the smoke house that, depending on when the water spray is applied, maintains humidity and flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Shucked shellfish" means molluscan shellfish that have one or both shells removed.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

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"Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded. "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc., and number 10 cans that do not meet the materials, durability, strength, and cleanability specification under Subpart D of this Part, specifically Sections 750.600, 750.630 and 750.650 for multi-use utensils.

"Smoke generator" means a piece of equipment attached or integral to a smoke house that provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room-sized enclosure used to conduct the smoking process, with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Smooth" means a food-contact surface that is free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number 3 stainless steel; a nonfood-contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

"Special event" means a unique event at a particular location, such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temperature-measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.

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"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale or service of food, such as kitchenware or tableware that is multi-use, single service or single use; gloves used in contact with food; temperature-sensing probes of food temperature measuring devices; and probe-type or identification tags used in contact with food.

"Variance" means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: PERSONNEL

Section 750.555 Change of Name or Address

Certificate holders shall inform the Department of any name and address changes. Legal documentation, such as a marriage certificate, divorce decree or court-approved name change, shall be provided for any name change.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section 750.1810 Instructor Approval

- a) The Food Service Sanitation Manager's Certification course ~~shall~~ ~~must~~ be taught by a Department-approved instructor. Employees of the ~~Illinois~~ Department of

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~~Public Health~~ are not eligible to teach the Food Service Sanitation Manager Certification course while employed by the Department. Any approved instructor working as a sanitarian for a local health department is restricted from teaching a food service sanitation manager certification course on his or her own time outside of his or her duties as a sanitarian within the jurisdiction of the local health department by which he or she is employed.

- b) The minimum qualifications for certification or recertification, renewable every five 5 years, as a Department-approved instructor are all of the following:
- 1) Possession of a high school diploma or its equivalent;-
 - 2) Possession of a valid State of Illinois Food Service Sanitation Manager Certificate;-
 - 3) Minimum experience or education prior to initial application ~~or recertification~~ as an approved instructor consisting of one of the following:
 - A) Two years experience with a Food Service Sanitation Manager Certification ~~as a food service sanitation manager certification~~ or in an educator role with written verification from the applicant's employer; or
 - B) Two years experience as a retail food inspector with written verification from the applicant's employer; or
 - C) An Associate's Degree or higher degree with at least 15 hours of science-related course work in a chemical, physical, or biological science or math verified by the educational institution from which the degree was earned;- ~~or~~
 - D) ~~Current certification as a Department approved instructor of a Food Service Sanitation Manager Certification course as of October 1, 1998.~~
 - 4) Completion of a Conference for Food Protection (CFP) ~~the Department~~ Food Service Sanitation Manager Certification ~~Instructor's~~ examination with a final score of 75 90% or higher; and ~~.- An individual can attempt~~

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~~the instructor's examination twice. If a final score of 90% or higher is not received after the second attempt, the applicant must take an approved Food Service Sanitation Manager Certification course again prior to retaking the instructor's examination.~~

- 5) Payment of a \$200 application fee to the Department with the application. Effective October 1, 1999, completion of at least 20 hours of continuing education every five years for recertification. The continuing education shall cover food safety and sanitation topics. The following are examples of proof of such attendance:

- A) ~~A college transcript with course description;~~
- B) ~~A certificate of completion of a course with a course description;~~
~~or~~
- C) ~~Documentation of continuing education contact hours for training from a professional.~~

- 6) ~~When the instructor's certificate has expired for more than 90 days, reapplication shall require compliance with subsections (b)(1) through (4) of this Section.~~

- c) An instructor does not have to maintain his or her Food Service Sanitation Manager Certification while he or she has a valid instructor certification. The instructor certification can be used in place of the manager certification, as required in Section 750.540.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1812 Instructor Renewal

- a) An instructor shall complete at least 20 hours of continuing education every five years for recertification. The continuing education shall cover food safety and sanitation topics and be completed by the instructor certification expiration date. The following are examples of proof of attendance:

- 1) A college transcript with course description;

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- 2) A certificate of completion of a course with a course description; or
- 3) An agenda and certificate of completion/attendance documenting continuing education contact hours for training from a Department-approved organization.
- b) A renewal application and certificate fee of \$35 are due to the Department by the expiration date of the instructor's certificate. When the instructor's certificate has expired for more than 90 days, reapplication shall require compliance with Section 750.1810(b)(1)-(4).

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.1814 Proctor Approval

A proctor, as defined in Section 750.10, is an individual who is not teaching a Food Service Sanitation Manager Certification course, but is acting only as a test administrator/monitor for a Department-approved national examination provider. Each Department-approved national examination provider approves proctors for its examination, and the proctors shall seek approval from the Department to proctor examinations in order for his or her students to be eligible for a Food Service Sanitation Manager Certificate. A proctor is responsible for following the guidelines set forth by the national examination provider, verifying that each examinee has met the training hour requirement, as listed in Section 750.1820, and following the administrative procedures of the Department, as listed in Section 750.1860.

- a) An individual who is an approved proctor with a Department-approved national examination provider can be registered with the Department as an approved proctor with the following:
 - 1) Department-provided application and renewal fee of \$50;
 - 2) Proof of approved proctor status with a Department- approved national examination provider; and
 - 3) Attendance at a training by the Department on administrative procedures.
- b) Proctor registration is valid for five years from the date of initial registration and shall be renewed every five years.

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- c) Proctor registrations can be renewed by submitting an application, renewal fee of \$50, and proof of current proctor status with a Department-approved national examination provider to the Department prior to the proctor registration expiration date.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 750.1815 Instructor and Proctor Compliance and Enforcement Process Denial

- a) The Department will ~~shall~~ monitor the performance of all instructors. The instructor shall comply with program changes and administrative procedures provided to the instructors by the Department. The Department will ~~shall~~ consider the following in granting and revoking approval of certificates for all instructors:
- 1) Instructor ~~instructor~~ performance, including compliance with administrative procedures when submitting information to the Department, as listed in Section 750.1860;
 - 2) Ability ~~inability~~ to effectively communicate information to the course participants; and
 - 3) Compliance with ~~violations~~ of this Part.
- b) Instructor compliance will be addressed by the following enforcement process:
- 1) Notification of violation to the instructor/proctor electronically via e-mail;
 - 2) Compliance conference with the instructor/proctor in person with the Department;
 - 3) Suspension of the instructor certification/proctor registration until the compliance issue is resolved; and
 - 4b) Opportunity ~~The holder of said certificate shall be given the opportunity~~ for a hearing before the Department ~~regulatory authority~~ pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

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- c) If an approved instructor or proctor is found to have assisted students taking the examination or helping them to cheat in any way, the instructor will be notified to appear at a compliance conference with the Department. ~~and~~ Based on the outcome of the conference, the instructor certificate or proctor approval may be suspended indefinitely.
- d) If a national examination provider suspends or revokes an instructor/proctor approval, the Department will also suspend that instructor's certificate or proctor registration.
- e) An individual found to have cheated on the instructor examination will not be certified as an instructor.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1820 Course Content

- a) The minimum course content and eight hours of training, inclusive of the examination, are as follows. The instructor shall consider expanding the number of contact hours when a review of the participants reveals learning disabilities, language barriers or other inhibiting factors to learning. To renew an instructor's certificate, a new syllabus must be submitted using the format outlined in subsection (b).
- b) Subject Area – Specific Elements of Knowledge

	Hours
1) Identify foodborne illness and discuss food allergens (90 minutes).	2
A) Define terms associated with foodborne illness: outbreak, food infection, food intoxication, communicable disease, pathogens, potentially hazardous foods, temperature danger zone.	
B) Recognize the major microorganisms and toxins that can contaminate food and the problems that can be associated	

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with the contamination: bacteria, viruses, parasites, fungi. Define and recognize illnesses that can be associated with chemical and physical contamination.

- C) Define and recognize potentially hazardous foods (time/temperature control for food safety).
 - D) Define and recognize the major factors that contribute to foodborne illness.
 - E) Identify common food allergens and recognize causes of cross-contact.
- 2) Identify time/temperature relationship with foodborne illness (60 minutes). 2
- A) Recognize the relationship between time/temperature and microorganisms (survival, growth and toxin production) during the following stages: receiving, storing, thawing, cooking, holding/displaying, serving, cooling, storing (post production), reheating, transporting.
 - B) Describe the use of thermometers in monitoring food temperatures: types of thermometers, techniques and frequency, calibration and frequency.
- 3) Describe the relationship between personal hygiene and food safety (45 minutes). 3
- A) Recognize the association of hand contact and foodborne illness: hand-washing technique and frequency; proper use of gloves, including replacement frequency and use with food allergens; and minimal hand contact with food.
 - B) Recognize the association of personal habits and behaviors and foodborne illness: smoking, eating and drinking, wearing clothing that may contaminate food, personal behaviors, including sneezing, coughing, etc.

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- C) Recognize the association of health of a food handler to foodborne illness: free of symptoms of communicable disease, free of infections, food protected from contact with open wounds.
- 4) Describe methods for preventing food contamination, from purchasing to serving (135 minutes). 3
 - A) Define and identify potential hazards prior to delivery and during delivery: contamination, adulteration, damage, approved source, sound and safe condition.
 - B) Define HACCP and identify potential hazards and methods to minimize or eliminate hazards after delivery: personal hygiene, cross-contamination (food to food and equipment and utensils), contamination (chemical, additives, physical), service/display – customer contamination, storage, re-service.
- 5) Identify and apply correct procedures for cleaning, sanitizing and facility management (60 minutes). 2
 - A) Define terms associated with cleaning, and sanitizing.
 - B) Apply appropriate methods of cleaning and sanitizing: manual ware washing, mechanical ware washing, clean in place (CIP).
 - C) Identify frequency of cleaning and sanitizing.
 - D) Identify facility, design and construction suitable for food establishments: refrigeration, heating and hot holding, floors, walls, ceilings, pest control, lighting, plumbing, ventilation, water supply, wastewater disposal, waste disposal.
- 6) Codes related to food service establishments (30 minutes).
 - A) Public Health Codes: responsibilities affecting operation:

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- i) Illinois Food, Drug and Cosmetic Act
 - ii) Food Service Sanitation Code
 - iii) Meat and Poultry Inspection Act as those rules pertain to food service establishments
 - iv) Federal regulations regarding food safety and food allergens
- B) Appendix A (Retail Food Sanitary Inspection Report) and its use as a control tool.
- 7) Examination (minimum 60 minutes or per approved national examination provider).
- A) An examination shall be proctored by an approved proctor for an approved national examination provider.
 - B) Additional time shall be provided for the examination as allowed in the procedures set forth by the approved national examination provider. Additional time is allowed for examination, but shall not be substituted for required training hours.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1830 Course Approval

Course approval by the Department is contingent upon compliance with the following requirements:

- a) An approved Food Service Sanitation Manager Certification instructor shall teach the course.
- b) ~~An approved institution shall sponsor the instructor. Approved institutions are limited to local health departments, community colleges, universities, institutional training programs or nutrition consultation agencies. The Department will~~

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~~approve exceptions only based on the instructor's demonstrated ability to provide a location, textbooks, hand-outs or other references; for example, agreements with bookstores to make references available for sale. The Department will revoke or suspend any sponsorship when the sponsor fails to comply with this Part. Prior to a suspension or revocation, the sponsor shall be given the opportunity for a hearing before the Department pursuant to the Department's Practice and Procedure in Administrative Hearings.~~

- be) An approved course syllabus shall be used. Each course shall meet the standards for content and length of training (see Section 750.1820). The syllabus shall delineate:
- 1) Textbook and other teaching materials used;
 - 2) Methods and locations used for instruction ~~instructions~~;
 - 3) Course content;
 - 4) Topics and length of class meetings ~~meeting~~; and
 - 5) Method used to determine students' participation and presence during the course sessions, for example, examples such as sign-up sheets or a, roster, etc.
- cd) Instructors shall submit one copy of the syllabus to the Department and receive approval prior to teaching a State-approved course. Any syllabus content revision shall be sent to the Department for approval.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1831 Alternative Training Methods ~~of Training~~

~~The Department will approve alternative training. Alternate methods, of training~~ such as interactive computer training courses ~~programming~~, interactive video or distance learning, ~~may be approved by the Department for purposes of certification or recertification; if the training provider/sponsor of the training submits the following information to the Department for approval before use:~~

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- a) Documentation that the training course content is:
- 1) ~~Equivalent~~ equivalent to the course content described in Section 750.1820(b) ~~titled entitled~~ "Subject Area – Specific Elements of Knowledge"; ~~and or~~
 - 2) ~~Based based~~ on a psychometrically valid job analysis developed by personnel ~~who that~~ include qualified test development specialists and a representative group of individuals with significant experience in food safety. A psychometrically valid job analysis is a detailed job description in which a profession, in this instance food service sanitation manager, is broken down into necessary knowledge and skills. The job analysis study is then used as the basis for examination development in the profession being credentialed.
- b) The Department-approved instructor/proctor shall monitor time spent by students during the alternative method of training to ensure that the student is meeting the minimum required number of training hours as described in Section 750.1820 and that the students are not allowed to complete the training at their own pace if less than the required number of training hours.
- c**b**) Only Department-approved instructors and proctors may oversee alternative methods of training. If a student is using an alternative method of training, the Department-approved instructor affiliated with that training is responsible for proctoring the certification examination or for issuing a letter of permission to take the examination to the student and assisting the student in finding an approved proctor to provide an examination. Documentation that the candidate for certification or recertification has successfully participated in a training program which provides the knowledge and skills in food protection management necessary to implement the elements of the course content in Section 750.1820(b). All candidates must certify under oath that they personally completed the alternative training program.
- d**e**) The Department will evaluate the effectiveness of the alternative method of training based on a 70% pass rate over a 12 month period. Approval ~~will~~ may be revoked if the Department determines that the alternative method of training is not effective in preparing students to pass an approved Food Service Sanitation Manager Certification examination.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1835 Make Up Work (Repealed)

- a) ~~The routine use of home study preparation to complete the 15-hour course requirement shall not be approved. Make-up work; i.e., home study, is reserved for extraordinary situations, such as illness. Its use shall be reviewed on a case-by-case basis and approved by the instructor prior to the student taking the examination. The portions as defined in Section 750.1820(b)(5)(A) and (C) shall be taught in-class only, no make-up waiver will be approved. No more than four of the state-required course hours may be make-up work.~~
- b) ~~Make-up work will include required text and handout readings and written assignments covering the subject missed in class. The homework shall be graded and returned to the student prior to the taking the Food Service Sanitation Certification examination.~~
- e) ~~The class roster will reflect make-up work and its grade for the review of the monitor.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1836 Home Study (Repealed)

~~Home study other than make-up work as described in Section 750.1835 shall not be approved by the Department unless it meets the criteria in Section 750.1831.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1837 Course Waiver (Repealed)

- a) ~~The certification course may be waived by the Department if the individual has taken an equivalent course or combination of courses which is equivalent or exceeds Department standards for course content and length. The individual must submit, to the Department, documentation such as a letter from the instructor, transcript, or certificate indicating course completion. Such training must be completed within five years of applying for the Department certificate.~~

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- b) ~~If the individual satisfies the above stipulations, they may take the Department certification examination once without taking a Department approved course. If they do not pass the exam, they must take a Department approved course prior to taking the examination again.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1850 Certification Examination

The Department shall only accept certification examinations accredited under the standards developed and adopted by the Conference for Food Protection or its successor. (Section 3 of the Act)~~The examination shall reflect the course content and be used as a measure of the candidates knowledge of food service sanitation. In addition, examination formulation shall follow the following guidelines:~~

- a) ~~Questions must be proportionate to the subject areas included under Course Content and Length of Training guidelines delineated under Section 750.1820.~~
- b) ~~The question format shall be multiple choice.~~
- c) ~~New forms of the examination must be pretested to identify questions that could possible be misinterpreted by candidates.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1855 Testing Criteria (Repealed)

~~Any organization seeking approval from the Department to develop and administer a Food Service Sanitation Manager Certification examination shall comply with the following criteria:~~

- a) ~~Each organization seeking approval to develop and administer an examination shall provide background information naming:~~
- 1) ~~The organization's name, address, telephone number and other identifying information; and~~
- 2) ~~A description of the scope of usage of the examination including the time~~

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~~period in use, number of examinations already administered and any government or other agencies already approving the examination.~~

- b) ~~Each organization shall provide information about the development and administration of the examination for which approval is sought, including:~~
 - 1) ~~Formation of the examination questions with number of items in the question bank, source of questions, method of composition, job relatedness;~~
 - 2) ~~Content validity based on "Specific Elements of Knowledge" in Section 750.1820 or job analysis to provide an equivalent description of the knowledge, skills and abilities required of the occupation of food service sanitation manager;~~
 - 3) ~~Evidence that the examination includes sanitation requirements of the Illinois Food Service Sanitation Code (77 Ill. Adm. Code 750);~~
 - 4) ~~Actual numerical score resulting from testing;~~
 - 5) ~~Methods for periodic review of the examination;~~
 - 6) ~~Methods used to provide alternate examination forms (retakes) from the bank of questions;~~
 - 7) ~~Alternate language forms;~~
 - 8) ~~Item analysis data to show each examination is performing at the same difficulty and reliability levels; and~~
 - 9) ~~Policies and procedures used to administer examination.~~
- e) ~~Each testing organization shall assure security mechanisms which:~~
 - 1) ~~Provide effective security during preparation, printing, transportation, handling, administration and destruction of the examinations;~~
 - 2) ~~Ensure approved organization monitors are present during administration~~

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~~of the examinations;~~

- ~~3) Maintain a tracking system for all examinations; and~~
- ~~4) Make provisions to remove a particular version if the examination has been compromised.~~
- d) ~~Each testing organization shall assure administration of examinations in compliance with Subpart J of this Part by:~~
 - ~~1) Verifying the eligibility of candidates according to Code requirements; and~~
 - ~~2) Providing the necessary staff and resources to administer, monitor and grade examinations.~~
- e) ~~Each testing organization shall collect and make available to the Department certain performance criteria:~~
 - ~~1) Statistics following examination development which indicate percentage answering each item correctly, numbers choosing each distractor, reliability estimates, discrimination indexes;~~
 - ~~2) An annual report showing the number of candidates tested, the number passing the examination, the number failing the examination; and~~
 - ~~3) Within 10 working days of each examination, class enrollment information: each candidate's name, home address, social security number (voluntary), passing/failing score, date of examination and names of approved instructor and monitor.~~
- f) ~~The Department shall reserve the right to audit operations to verify security measures and compliance with this Part.~~
- g) ~~Each testing organization with an examination previously approved by the Department shall have two years following the effective date of this amendment to provide the requested information.~~

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(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1860 Administration of Examination Notification

- a) The Department-approved national examination provider shall administer and secure the examinations as set forth in the proctor agreement.
- b) The instructor shall complete and electronically submit a Course Notification Form (CNF) to the Department prior to conducting the training course or examination.
- c) Each examination packet sent to the Department shall consist of the following:
 - 1) A copy of the CNF;
 - 2) A class enrollment form-with names listed in alphabetical order by last name. The presence of a student's name on this list is the instructor's verification that the individual completed the required course; and
 - 3) Scantrons completed completely and accurately, arranged in alphabetical order by last name.
- d) All required examination documentation shall be sent to the Department within 45 days after the examination date. Sending examination materials later than 45 days after the examination date will result in enforcement action against the instructor/proctor as outlined in Section 750.1815.
- e) Scantrons for those students who failed an examination do not need to be submitted to the Department until the student receives a passing grade of 75% or higher. Instructors/proctors shall remove or strike that failing student's name from the list that they are submitting to the Department for that examination date.
- f) An individual who is found to have cheated on the certification examination shall not be entitled to certification. The individual shall retake an approved course before taking the examination again.

~~The instructor shall complete and submit an "Examination Date Notification" form (see Appendix B) to the Department at least 30 days prior to the examination.~~

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1861 Class Enrollment Form (Repealed)

- a) ~~The instructor shall submit a completed "Class Enrollment" form (see Appendix C) at the time of the examination. The presence of a student's name on this list is the instructor's verification that the individual completed the required course. The monitor shall confirm the list with the class roster.~~
- b) ~~The names shall be listed on the entrance in alphabetical order.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1862 Administration of Examination (Repealed)

- a) ~~The examinations shall be stored and administered under secure conditions. They shall be inventoried prior to and immediately following each administration of the examination. "Secured" means that access to the examination is essentially limited to the monitor of the examination or an agent of the Department.~~
- b) ~~Location of the exams shall be monitored and kept in a log at all times. The State of Illinois Food Service Sanitation Manager Certification exams shall not be out of the Department for more than 10 days. Exams shall be sent by Certified Mail, UPS, hand delivered or other method approved by the Department.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1865 Monitors (Repealed)

- a) ~~There shall be one approved monitor for every 35 students taking the examination.~~
- b) ~~Approved monitors for the State examination shall be restricted to individuals in one of the following groups and must complete and submit a monitor's agreement form, if the examination location is not a designated regional location. This form must be submitted 30 days prior to the examination date.~~

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- 1) ~~Illinois Department of Public Health personnel;~~
 - 2) ~~Local Health Department personnel;~~
 - 3) ~~State institution personnel; i.e., Department of Corrections;~~
 - 4) ~~Community colleges or university sponsored personnel; and~~
 - 5) ~~Department approved Food Service Sanitation Manager Certification instructors.~~
- e) ~~Testing organizations approved in Section 750.1855 of this Part must submit for Department review and approval criteria for approving monitors for their examinations.~~
- d) ~~The Department reserves the right to determine who may function in the role as a monitor for the State examination and to audit the performance of any monitor for any approved examination. The Department shall suspend or revoke permission to serve as a monitor in the event of a breach of test security, provision of assistance to students taking the exam, repeated failure to return exams within a timely manner, cheating, changing of students' answers, duplicating test materials, conflict of interest, and otherwise failing to comply with this Part.~~
- e) ~~The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, driver's license or student identification card. In the event that the individual does not have a photographic identification card, a legal document which bears the individual's signature shall be acceptable.~~
- f) ~~The monitor shall confirm that the individual has taken an approved course prior to retaking the examination in one or more of the following methods:~~
- 1) ~~Instructor at the examination site will confirm that he/she instructed the individual.~~
 - 2) ~~Individual submits the Department fail letter sent to him and the monitor confirms the name and address on the letter against the person's identification.~~

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- 3) ~~Individual submits the "Permission To Retake Certification Examination" form (see Appendix D) which has been signed by the instructor. The monitor must confirm the name listed on the form with the person's identification.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1868 Cheating (Repealed)

- a) ~~An individual determined to have cheated on the Certification examination shall not be entitled to certification. The individual must retake an approved course before taking the examination again.~~
- b) ~~An individual determined to have cheated on the Instructor's examination shall not be certified as an instructor.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1870 Re-test Class (Repealed)

~~The Department reserves the right to approve or reject retest requests and to retest individuals or a class:~~

- a) ~~if it appears that there was substantial probability that cheating occurred.~~
- b) ~~if it appears that the examination integrity was compromised.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1876 Dictionary (Repealed)

~~An individual who speaks English as a secondary language may use a dictionary which translates English to the native language.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1880 Retake Examination (Repealed)

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- a) ~~An individual shall only retake the exam twice. If the person does not pass the exam after three attempts, they must again take an approved course prior to taking the exam. All attempts at retaking the examination must be completed within six months of completing the course.~~
- b) ~~An individual may retake the examination by scheduling it with the Department, or with another class, if first approved by the class instructor.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.1890 Revocation of Certificates

~~Food Service Sanitation Manager~~ The certificates will be valid for five years after the date of the examination unless revoked under Section 750.560 ~~of the Food Service Sanitation Code.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 750.1895 Change of Address (Repealed)

~~Certificate holders shall inform the Department of any name and address changes. Legal documentation such as marriage certificate, divorce decree or court approved name change shall be provided for any name change.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.APPENDIX B Examination Date Notification Form (Repealed)

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS & DAIRIES~~

~~Food Service Sanitation Manager Certification
Examination Date Notification Form~~

INSTRUCTOR NAME: _____

I.D.# _____ DAYTIME PHONE: _____

SPONSOR NAME: _____

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COURSE INFORMATION

DATES: _____ TIMES: _____
LOCATION: _____ ROOM #: _____

EXAMINATION INFORMATION

EXAMINATION State _____ Spanish _____
TYPE: Educational Testing Educational Foundation _____
Service _____ Other _____
Retake _____

NUMBER OF APPLICANTS: _____

*LOCATION: _____ ROOM #: _____

EXAMINATION DATE: _____ TIME: _____

MONITOR NAME: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

DAYTIME PHONE: _____

(Mailing address for UPS delivery if applicable)

~~*If examination location is not the designated Regional location, a completed Monitor's Agreement Form must be attached. These forms must be submitted 30 days prior to the examination date.~~

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(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.APPENDIX C Class Enrollment Form (Repealed)

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES~~

~~Food Service Sanitation Manager Certification
Class Enrollment Form~~

Examination Date: _____ Location: _____

EXAMINATION TYPE: State _____ Spanish _____
Educational Testing _____ Education Foundation _____
Service _____ Other _____
Retake _____

Instructor's Name: _____ ID#: _____
Address _____
÷ _____ City: _____ State: _____ Zip: _____

Daytime Phone: _____

Sponsor: _____

I (Instructor) certify that I have taught the State Food Service Sanitation Course according to the State requirement and the individuals listed below are eligible to take the examination.

	Name (list alphabetically by last name)	Address	City	State	Zip Code	Check If Retake	Score
1.							
2.							
3.							
4.							
5.							

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6.
7.
8.
9.
10.

Instructor's Signature

Date

Monitor's Signature

Date

~~[FOR REGIONAL USE ONLY]~~

Region: _____

Signature: _____

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

**Section 750.APPENDIX D Permission to Retake Certification Examination Form
(Repealed)**

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~OFFICE OF HEALTH PROTECTION~~

~~Request for Permission to Retake
Food Service Manager Certification Examination~~

Name: _____
(Last) (First) (Middle Initial)

Address: _____

Telephone: _____

Social Security #: _____

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Course

School: _____

Instructor: _____

Date of Course: _____ thru _____

Dates of previous exams: First _____
Second _____

Affidavit: ~~I certify that this student has completed my approved Food Service Manager's Certification course.~~

Signature: _____
(Instructor)

2609K

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 750.APPENDIX E Monitor's Agreement Form (Repealed)

~~ILLINOIS DEPARTMENT OF PUBLIC HEALTH~~

~~OFFICE OF HEALTH PROTECTION~~

~~Division of Food, Drugs & Dairies~~

~~Food Service Sanitation Manager Certification~~

~~Monitor's Agreement Form~~

I, _____
(Name)

representing _____
(LHD, Community College, Agency, etc.)

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~~agree to be the designated monitor for the State of Illinois Food Service Sanitation Manager~~

~~Certification examination at~~ _____

~~and/or in~~ _____ ~~county. I agree to abide by the Food Service~~

~~Sanitation Certification examination monitor guidelines as provided by the Illinois Department~~

~~of Public Health, Division of Food, Drugs and Dairies.~~

Date _____

Monitor Signature

Address

Daytime Telephone Number

(Source: Repealed at 38 Ill. Reg. _____, effective _____)