

3717-1-02.1

Management and personnel: employee health.

- (A) Disease or medical condition - responsibility of the person in charge to require reporting by food employees and applicants.

The license holder shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under paragraph (A)(3) of this rule, if the food employee or applicant:

- (1) Is diagnosed with an illness due to:

- (a) Salmonella spp.,
- (b) Shigella spp.,
- (c) Shiga toxin-producing Escherichia coli ~~O157~~:H7,
- (d) Hepatitis A virus'
- (e) Entamoeba histolytica,
- (f) Campylobacter spp.,
- (g) Vibrio cholerae,
- (h) Cryptosporidium,
- (i) Cyclospora,
- (j) Giardia, or
- (k) Yersinia;

- (2) Has a symptom caused by illness, infection, or other source that is:

- (a) Associated with an acute gastrointestinal illness such as:

- (i) Diarrhea,
 - (ii) Fever,
 - (iii) Vomiting,
 - (iv) Jaundice, or
 - (v) Sore throat with fever; or
- (b) A lesion containing pus such as a boil or infected wound that is open or draining and is:
- (i) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
 - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
 - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
- (3) Had a past illness from ~~an infectious agent specified under paragraph (A)(1) of this rule; or:~~
- (a) S. Typhi within the past three months.
 - (b) Shigella spp. within the past month.
 - (c) Shiga toxin-producing Escherichia coli, within the past month; or
 - (d) Hepatitis A virus;
- (4) Meets one or more of the following high risk conditions:
- (a) Is suspected of causing, or being exposed to, a confirmed ~~foodborne~~ disease outbreak caused by S. Typhi, Shigella spp., ~~E. coli O157:H7~~ Shiga toxin-producing Escherichia coli, or hepatitis A virus including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:

- (i) Prepared food implicated in the outbreak,
 - (ii) Consumed food implicated in the outbreak, or
 - (iii) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent,
- (b) Lives in the same household as, and has knowledge about, a person who is diagnosed with a disease caused by S. Typhi, Shigella spp., ~~E. coli O157:H7~~ Shiga toxin-producing Escherichia coli, or hepatitis A virus, or
 - (c) Lives in the same household as, and has knowledge about, a person who attends or works in a setting where there is a confirmed disease outbreak caused by S. Typhi, Shigella spp., ~~E. coli O157:H7~~ Shiga toxin-producing Escherichia coli, or hepatitis A virus.

(B) Disease or medical condition - exclusions and restrictions.

The person in charge shall:

- (1) Exclude a food employee from a food service operation or retail food establishment if the food employee is diagnosed with an infectious agent specified under paragraph (A)(1) of this rule;
- (2) Except as specified under paragraph (B)(3), (B)(4), or (B)(5) of this rule, restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in a food service operation or retail food establishment if the food employee is:
 - (a) Suffering from a symptom specified under paragraph (A)(2) (a)(i), (ii), (iii) or (v) or (B)(2)(b) of this rule, or
 - (b) Not experiencing a symptom of acute gastroenteritis specified under paragraph (A)(2)(a) of this rule but has a stool that yields a specimen culture that is positive for Salmonella Typhi, Shigella spp., or ~~Escherichia coli O157:H7~~ Shiga toxin-producing Escherichia coli;
- (3) If the population served is a highly susceptible population, exclude a food employee who:

- (a) Is experiencing a symptom of acute gastrointestinal illness specified under paragraph (A)(2)(a) of this rule and meets a high-risk condition specified under paragraph (A)(4) of this rule,
 - (b) Is not experiencing a symptom of acute gastroenteritis specified under paragraph (A)(2)(a) of this rule but has a stool that yields a specimen culture that is positive for *S. Typhi*, *Shigella* spp., or ~~*E. coli*~~ *O157:H7* Shiga toxin-producing *Escherichia coli*,
 - (c) Had a past illness from *S. Typhi* within the last 3 months, or
 - (d) Had a past illness from *Shigella* spp. or ~~*E. coli*~~ *O157:H7* Shiga toxin-producing *Escherichia coli* within the last month; and
- (4) For a food employee who is jaundiced:
- (a) If the onset of jaundice occurred within the last seven calendar days, exclude the food employee from the food service operation or retail food establishment, or
 - (b) If the onset of jaundice occurred more than seven calendar days before:
 - (i) Exclude the food employee from a food service operation or retail food establishment that serves a highly susceptible population, or
 - (ii) Restrict the food employee from activities specified under paragraph (B)(2) of this rule, if the food service operation or retail food establishment does not serve a highly susceptible population.
- (5) Upon notification that a food employee has been diagnosed with an illness transmissible through food, comply with the following isolation requirements:
- (a) A food employee with salmonellosis shall be excluded from work and may ~~return~~ only after return if his or her diarrhea has ceased and after two consecutive follow-up stool specimens are negative for *Salmonella* spp.;
 - (b) A food employee with typhoid fever shall be excluded from work and may only return after he or she is asymptomatic and after three

consecutive follow-up stool specimens are negative for Salmonella Typhi.

- (c) A food employee with shigellosis shall be excluded from work and may only return if his or her diarrhea has ceased and after two consecutive follow-up stool specimens are negative for Shigella.
- (d) A food employee with ~~E. coli O157:H7~~ Shiga toxin-producing Escherichia coli or hemolytic uremic syndrome (HUS) shall be excluded from work and may only return if his or her diarrhea has ceased and after two consecutive follow-up stool specimens are negative for ~~E. coli O157:H7~~ Shiga toxin-producing Escherichia coli.
- (e) A food employee symptomatic with hepatitis A shall be excluded from work until ten days after initial onset of symptoms.
- (f) A food employee with amebiasis shall be excluded from work and may return only after the diarrhea has ceased and he or she has had three follow-up stool specimens with results negative for Entamoeba histolytica.
- (g) A food employee with campylobacteriosis shall be excluded from work and may return only after his or her diarrhea has ceased; and one of the following:
 - (i) Has had at least forty-eight hours of effective antimicrobial therapy;
or
 - (ii) Has had two consecutive follow-up stool specimens that are negative for Campylobacter spp.
- (h) A food employee with cholera shall be excluded from work and may return only after his or her diarrhea has ceased and the food employee has had two consecutive follow-up stool specimens that are negative for Vibrio cholerae.
- (i) A food employee with cryptosporidiosis shall be excluded from work and may return only after his or her diarrhea has ceased and after three consecutive follow-up stool specimens are negative for ~~eryptosporidium~~ Cryptosporidium.
- (j) A food employee with cyclosporiasis shall be excluded from work and

only may return when his or her diarrhea has ceased and ~~appropriate treatment~~ effective antimicrobial therapy has begun.

(k) A food employee with giardiasis shall be excluded from work and may only return if his or her diarrhea has ceased and he or she has had one of the following:

(i) Seventy-two hours of effective antimicrobial therapy; or

(ii) Three consecutive follow-up stool specimens which are negative for ~~giardia~~ Giardia.

(l) A food employee with yersiniosis shall be excluded from work and may return only after his or her diarrhea has ceased and after two consecutive follow-up stool specimens are negative for Yersinia.

(C) Removal of exclusions and restrictions.

(1) The person in charge may remove an exclusion specified under paragraph (B)(1) of this rule if:

(a) The person in charge obtains approval from the licensor; and

(b) The person excluded as specified under paragraph (B)(1) of this rule provides to the person in charge written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the excluded person may work in an unrestricted capacity in a food service operation or retail food establishment, including a food service operation or retail food establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in paragraph (B)(5) of this rule.

(2) The person in charge may remove a restriction specified under:

(a) Paragraph (B)(2)(a) of this rule if the restricted person:

(i) Is free of the symptoms specified under paragraph (A)(2)(a)(i), (ii), (iii) or (v) or (B)(2) of this rule and no foodborne illness occurs that may have been caused by the restricted person,

(ii) Is suspected of causing foodborne illness but:

(a) Is free of the symptoms specified under paragraph (A)(2)(a)(i), (ii), (iii) or (v) or (B)(2) of this rule, and

(b) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in paragraph (B)(5) of this rule, or

(iii) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or

(b) Paragraph (B)(2)(b) of this rule if the restricted person provides written medical documentation from a physician, licensed to practice medicine, or, if allowed by law, a nurse practitioner or physician assistant, according to the criteria specified in paragraph (B)(5) of this rule that indicates the stools are free of the infectious agent of concern.

(3) The person in charge may remove an exclusion specified under (B)(3) of this rule if the excluded person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant:

(a) That specifies that the person is free of:the

~~(i) The infectious agent of concern as specified in paragraph (B)(5) of this rule, or~~

~~(ii) Jaundice as specified under paragraph (B)(4) of this rule if hepatitis A virus is the infectious agent of concern; or~~

(b) If the person is excluded under paragraph (B)(3)(a) of this rule, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

(4) The person in charge may remove an exclusion specified under paragraph (B)(4)(a) and paragraph (B)(4)(b)(i) of this rule and a restriction specified under paragraph (B)(4)(b)(ii) of this rule if:

(a) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the person is free of hepatitis A virus as specified in paragraph (B)(5)(e) of this rule; or

(b) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in paragraph (B)(5)(e) of this rule.

(D) Responsibility of a food employee or an applicant to report to the person in charge.

A food employee or a person who applies for a job as a food employee shall:

(1) In a manner specified under paragraph (A) of this rule, report to the person in charge the information specified under paragraphs (A)(1), (A)(2), (A)(3), and (A)(4) of this rule; and

(2) Comply with exclusions and restrictions that are specified under paragraph (B) of this rule.

(E) Reporting by the person in charge.

The person in charge shall notify the licensor that a food employee is diagnosed with an illness specified in paragraph (A)(1) of this rule.

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