

## Plan Review for Food Establishments

By Laura Huseby, MN Department of Health

The Minnesota Department of Health (MDH), Health Protection Bureau, Environmental Health (EH) Division, Food, Beverage and Lodging (FBL) Section regulates nearly 9,000 food, beverage, lodging, recreational campgrounds, and manufactured home parks for the state of Minnesota. Five to six hundred plans per year are reviewed by this section. In working with architects, engineers, trades-persons and local government, MDH searches for a means to communicate with those impacted by regulation and the decisions of the FBL section. This article is intended to provide some clarification about the requirements for the submission of plans and specifications for review by EH-FBL of MDH.

### Who Submits the Plans?

One problem encountered in plan review is the requirement for submission of plans at least 30 days prior to beginning construction. According to Minnesota Food Code, MN Rules, part 4626.1720: "Review of Plans", part A and B:

*A. A license applicant or licensee [to operate a food establishment] shall submit properly prepared plans and specifications and the required plan review fee, to the regulatory authority for plan review and approval before beginning: (1) the construction of a food establishment; (2) the conversion of an existing structure for use as a food establishment; or (3) the extensive remodeling of a food establishment or a change of type of food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with the Code.*

*B. Plans, specifications, an application form, and the fee specified in part 1547.0110, subpart 2, and Minnesota Statutes, chapter 31 or 157, shall be submitted to the regulatory authority at least 30 days before beginning construction, extensive remodeling, or conversion of a food establishment.*

Because architects and/or engineers are hired to prepare plans, many licensees and prospective licensees (to operate a food establishment) assume the architect or engineer will submit plans to the code officials for review. The Code specifies the responsibility for submitting **complete** plans and specifications. Professionals who inform their clients of the rule will save the client unnecessary confusion, costly corrections, delays in opening and problems with licensure.

### Who Reviews the Plans?

A second issue is determining which division of the Health Department should review the plans. The branch of the MDH, **Policy Quality and Compliance Bureau, Compliance and Monitoring Division (CM), Engineering Services Section (ESS)**

reviews the plans and specifications for hospitals and nursing homes for compliance with MN Rules, Chapter 4658.

As the 'baby-boomer' generation ages, construction of independent and assisted living facilities is increasing. Some assisted living facilities are 'attached' (physically or on the grounds) to a nursing home or hospital. Assisted living facilities without food service are reviewed by the EH-FBL section for compliance with Lodging Code, MN Rules, Chapter 4625.

Lodging is defined as *a building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.* If an assisted living facility has food service not supported by a hospital or nursing home kitchen, the food service and lodging is reviewed by the EH-FBL section for compliance with food code and lodging code and is licensed as a board and lodging establishment. A Boarding establishment means a food and beverage service establishment where food or beverages, or both are furnished to five or more accommodations, for periods of one week or more. Any food serving areas (possibly in memory care) are also subject to review for compliance with MN Food Code.

### **Equipment Requirements**

In the MDH, EH-FBL division, Chapter 4626.0505 "Equipment and Utensils," part J specifies that: *When food service or a food operation in a child care center, residential care home, supervised living facility, apartment building with congregate dining, boarding establishment, bed and breakfast, or similar establishment is limited to serving ten or fewer individuals, domestic equipment may be substituted for the commercial equipment required under this part.* With the exception of a time-limited variance granted by the Division Director, this is the only allowance for domestic equipment. Neither plan reviewers nor field inspectors have the authority to allow exemptions for Code requirements.

In MDH, CM-ESS, Chapter 4658.4305 "Food Service Equipment; New Construction" specifies in part: *All food service equipment, including ice makers, drinking fountains, and dishwashers, must comply with part 4658.3500, subpart 3. Food storage equipment must be designed and constructed according to NSF International Standard 2. Materials used on the interior and exterior exposed surfaces of the food storage equipment must be NSF International approved. Counter tops for all food service cabinets must be NSF International approved. The complete food storage equipment does not require NSF International approval.* **CM-ESS has a waiver process for Neighborhood Kitchens, which is only available for nursing homes.** CM-ESS should be contacted directly for a waiver application.

If you have questions regarding any of the applicable codes, please contact the MDH. A simple phone call in advance of the design process can save many headaches and surprises during the review process. For more information, please see the MN

Department of Health's website at: [www.health.state.mn.us](http://www.health.state.mn.us) or, for Rules, the Revisor's website at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).