

1 Department of Health

2

3 Adopted Permanent Rules Relating to Dietary and Food Services

4 For Nursing Homes

5

6 Rules as Adopted

7 4655.0090 SCOPE.

8 The rules in this chapter 4655 apply to both nursing homes
 9 and boarding care homes unless ~~otherwise-indicated-or-when~~
 10 ~~superceded-by-more-recently-adopted-rules-for-nursing-homes~~ the
 11 context clearly indicates otherwise. This chapter does not
 12 apply to nursing homes in those areas covered by the dietary and
 13 food services rules in parts 4658.0600 to 4658.0685.

14 4658.0600 DIETARY SERVICE.

15 Subpart 1. Food quality. Food must have taste, aroma, and
 16 appearance that encourages resident consumption of food.

17 Subp. 2. Nutritional status. The nursing home must ensure
 18 that a resident is offered a diet which supplies the caloric and
 19 nutrient needs as determined by the comprehensive resident
 20 assessment. Substitutes of similar nutritive value must be
 21 offered to residents who refuse food served.

22 Subp. 3. Availability of diet manuals. ~~Current~~ The most
 23 recent edition of diet manuals must be readily available in the
 24 dietary department.

25 4658.0605 DIRECTION OF DIETARY DEPARTMENT.

26 Subpart 1. Dietitian. The nursing home must employ a
 27 qualified dietitian either full time, part time, or on a
 28 consultant basis. For purposes of this chapter, a "qualified
 29 dietitian" means a person who:

30 A. is registered by the Commission on Dietetic
 31 Registration of the American Dietetic Association, ~~or-a-person~~
 32 who;

33 B. is licensed under Minnesota Statutes, section
 34 148.624; or

1 C. has a bachelor's degree in dietetics, food and
2 nutrition, or food service management plus experience in
3 long-term care and ongoing continuing education in
4 identification of dietary needs, and planning and implementation
5 of dietary programs.

6 Subp. 2. **Director of dietary service.** If a qualified
7 dietitian is not employed full time, the administrator must
8 designate a director of dietary service who is enrolled in or
9 has completed, at a minimum, a dietary manager course, and who
10 receives frequently scheduled consultation from a qualified
11 dietitian. The number of hours of consultation must be based
12 upon the needs of the nursing home. ~~A-director~~ Directors of
13 dietary service hired ~~after~~ before the effective date of parts
14 4658.0600 to 4658.0685 ~~must-meet-this-requirement~~ are not
15 required to complete a dietary manager course.

16 4658.0610 DIETARY STAFF REQUIREMENTS.

17 Subpart 1. **Sufficient personnel.** The nursing home must
18 employ sufficient personnel competent to carry out the functions
19 of the dietary service. "Sufficient personnel" means enough
20 staff to plan, prepare, and serve palatable, attractive, and
21 nutritionally adequate meals at proper temperatures and
22 appropriate times.

23 Subp. 2. **Health.** The dietary staff must be free from
24 symptoms of communicable disease and from open, infected wounds.

25 Subp. 3. **Grooming.** Dietary staff must wear clean outer
26 garments. ~~Hairnets, headbands, caps,~~ or other hair restraints
27 must be worn to prevent the contamination of food, utensils, and
28 equipment. Hair spray is not an acceptable hair restraint.

29 Subp. 4. **Hygiene.** Dietary staff must thoroughly wash
30 their hands and the exposed portions of their arms with soap and
31 warm water in a handwashing facility before starting work,
32 during work as often as is necessary to keep them clean, and
33 after smoking, eating, drinking, ~~or~~ using the toilet, or
34 handling soiled equipment or utensils. Dietary staff must keep
35 their fingernails clean and trimmed.

1 Subp. 5. **Tobacco use.** Employees must not use tobacco in
2 any form while on duty to handle, prepare, or serve food, or
3 clean utensils and equipment.

4 Subp. 6. **Eating.** All employees must consume food only in
5 areas designated for employee dining. An employee dining area
6 must not be designated if consuming food in that location could
7 cause contamination of other food, equipment, or utensils. This
8 subpart does not apply to cooks or other persons designated by
9 the cook who test the food for flavor and palatability.

10 Subp. 7. **Handling-soiled-equipment Sanitary**
11 **conditions.** ~~Employees-must-handle-soiled-dietary-equipment-or~~
12 ~~utensils-in-a-manner-that-minimizes-contamination-of-their-hands~~
13 Sanitary procedures and conditions must be maintained in the
14 operation of the dietary department at all times.

15 Subp. 8. **Food handling guide.** A current copy of the
16 department's food handling guide entitled "Information for Food
17 Service Personnel in Hospitals and Related Care Facilities" must
18 be readily available for reference by all dietary personnel.

19 4658.0615 **FOOD HANDLING TEMPERATURES.**

20 Potentially hazardous food must be maintained at 45 40
21 degrees Fahrenheit (~~seven~~ four degrees centigrade) or below, or
22 ~~±40~~ 150 degrees Fahrenheit (~~60~~ 66 degrees centigrade) or above,
23 including periods when it is being transported. "Potentially
24 hazardous food" means any food subject to continuous time and
25 temperature controls in order to prevent the rapid and
26 progressive growth of infectious or toxigenic microorganisms.

27 4658.0620 **FREQUENCY OF MEALS.**

28 Subpart 1. **Time of meals.** The nursing home must provide
29 at least three meals daily, at regular times ~~comparable-to~~
30 ~~normal-mealtimes-in-the-community.~~ There must be no more than
31 14 hours between a substantial evening meal and breakfast the
32 following day. A "substantial evening meal" means an offering
33 of three or more menu items at one time, one of which is a
34 high-quality protein such as meat, fish, eggs, or cheese.

35 Subp. 2. **Snacks.** The nursing home must offer evening

1 snacks daily. "Offer" means having snacks available and making
2 the resident aware of that availability.

3 Subp. 3. Time between meals. ~~There must be no more than~~
4 ~~14 hours between a substantial evening meal and breakfast the~~
5 ~~following day. A "substantial evening meal" means an offering~~
6 ~~of three or more menu items at one time, one of which includes a~~
7 ~~high-quality protein such as meat, fish, eggs, or cheese.~~ Up to
8 16 hours may elapse between a substantial evening meal and
9 breakfast the following day if a resident group, such as the
10 resident council, agrees to this meal span and ~~selects the~~
11 ~~snacks to be~~ a nourishing snack is provided.

12 Subp. 4. Dining room. Meals are to be served in a
13 specified dining area consistent with the resident's choice and
14 plan of care.

15 4658.0625 MENU-PLANNING MENUS.

16 Subpart 1. Menu planning. All menus must be planned in
17 advance, dated, ~~posted for a minimum of one week in advance,~~ and
18 followed. ~~Residents must be involved in menu planning.~~
19 ~~Notations must be made of any substitutions~~ Any changes in the
20 meals actually served ~~and those substitutions~~ must be of equal
21 nutritional value. The ~~current week's menus, and any changes to~~
22 ~~those menus,~~ general menu for a seven-day period must be posted
23 prior to the start of that seven-day period at a location
24 readily accessible to residents, and any changes to the general
25 menu must be noted on that posted menu. All menus and any
26 changes for the current ~~week's~~ and following ~~week's menus~~
27 seven-day periods must be posted in the dietary area. Records
28 of menus and of foods purchased must be filed for six months. A
29 variety of foods must be provided. A file of tested recipes
30 adjusted to a yield appropriate for the size of the home must be
31 maintained.

32 Subp. 2. Food habits and customs. There must be
33 adjustment to the food habits, customs, likes, and appetites of
34 individual residents including condiments, seasonings, and salad
35 dressings. There must be resident involvement in menu planning.

1 4658.0630 RETURNED FOOD.

2 Returned portions of food and beverages from individual
3 servings ~~must-not~~ may be reused ~~unless~~ if the food or beverage
4 is served in a sealed wrapper or container which has not been
5 unwrapped or opened and is not potentially hazardous.

6 4658.0635 CONDIMENTS.

7 Condiments, seasonings, and salad dressing for resident use
8 must be provided in individual packages or from dispensers.

9 4658.0640 MILK.

10 Fluid milk and fluid milk products used must be pasteurized
11 and must meet Grade A quality standards in Minnesota Statutes,
12 chapter 32. The milk must be dispensed directly from the
13 original container in which it was packaged, shipped, and
14 received. This container may be individual portions,
15 mechanically refrigerated bulk milk dispenser, or a commercially
16 filled container of not more than one gallon capacity. Dry milk
17 may not be reconstituted and served as fluid milk. Dry milk may
18 be added to fluid milk and other foods to increase nutrient
19 density. Dry milk, dry milk products, and commercial nondairy
20 products may be used in instant dessert and whipped products or
21 for cooking and baking.

22 4658.0645 ICE.

23 Ice must be stored and handled in a sanitary manner.
24 Stored ice must be kept in an enclosed container. If the
25 container is not mechanically cooled, it must be cleaned at
26 least daily and more often if needed. If an ice scoop is used,
27 the scoop must be stored separately to prevent the handle from
28 contact with the ice.

29 4658.0650 FOOD SUPPLIES.

30 Subpart 1. Food. All food must be clean, wholesome, free
31 from spoilage, free from adulteration and misbranding, and safe
32 for human consumption. ~~No-hermetically-sealed,-nonacid,-or~~
33 low-acid Canned or preserved food which has been processed in a

1 place other than a commercial food-processing establishment may
2 ~~be-used~~ is prohibited for use by nursing homes.

3 Subp. 2. Food brought into nursing home. Nonprohibited
4 food items from noncommercial sources ~~including~~ such as fresh
5 produce, game, and fish may be brought into the nursing home to
6 ~~be-served-for-special-occasions,~~ in accordance with nursing home
7 policy. ~~These-food-items-must-be-maintained-in-a-sanitary-and~~
8 ~~safe-manner.~~

9 Subp. 3. Food containers. Food, whether raw or prepared,
10 if removed from the container or package in which it was
11 obtained, must be stored in a clean, covered container. The
12 container need not be covered during necessary periods of
13 preparation or service.

14 Subp. 4. Storage of nonperishable food. Containers of
15 nonperishable food must be stored a minimum of six inches above
16 the floor in a manner that protects the food from splash and
17 other contamination, and that permits easy cleaning of the
18 storage area. Containers may be stored on equipment such as
19 dollies, racks, or pallets, provided the equipment is easily
20 movable and constructed to allow for easy cleaning.
21 Nonperishable food and containers of nonperishable food must not
22 be stored under exposed or unprotected sewer lines or similar
23 sources of potential contamination. The storage of
24 nonperishable food in toilet rooms or vestibules is prohibited.

25 Subp. 5. Storage of perishable food. All perishable food
26 must be stored off the floor on washable, corrosion-resistant
27 shelving under sanitary conditions, and at temperatures which
28 will protect against spoilage.

29 Subp. 6. Prohibited storage. The storage of detergents,
30 cleaners, pesticides, and other nonfood items not related to the
31 operation of the dietary service, including employees' personal
32 items, is prohibited in food storage areas. The nursing home
33 may store dry goods and paper products related to the dietary
34 service in the food storage area.

35 Subp. 7. Vending machines. Storage and dispensing of food
36 and beverages in vending machines must be in accordance with

1 parts 1550.5000 to 1550.5130, and in accordance with any
2 applicable local ordinances.

3 4658.0655 TRANSPORT OF FOOD.

4 The food service system must be capable of keeping food hot
5 or cold until served. A dumbwaiter or conveyor, which cab or
6 carrier is used for the transport of ~~soiled-linen-or~~ food and
7 soiled dishes, must be sanitized immediately after the
8 transportation of soiled dishes is complete, and prior to the
9 transporting of food. The dumbwaiter or conveyor, which cab or
10 carrier is used for the transport of soiled linens, may not be
11 used for the transport of food or soiled dishes.

12 4658.0660 FLOOR CLEANING AND TRASH.

13 Subpart 1. Cleaning during food preparation. There must
14 be no sweeping or mopping in the food preparation or service
15 areas of the kitchen during the time of food preparation or
16 service, except when necessary to prevent accidents.

17 Subp. 2. Nondietary activity trash, restrictions. Trash
18 or refuse unrelated to dietary activities must not be
19 transported through food preparation areas or food storage areas
20 for disposal or incineration.

21 4658.0665 DISHES AND UTENSILS REQUIREMENTS.

22 The requirements in items A to E apply to the use of dishes
23 and utensils.

24 A. Only dishes and utensils with the original smooth
25 finishes may be used. Cracked, chipped, scratched, or
26 permanently stained dishes, cups, or glasses or damaged,
27 corroded, or open seamed utensils or cookware must not be used.
28 All tableware and cooking utensils must be kept in enclosed
29 closed storage compartments.

30 B. Accessories for food appliances must be provided
31 with protective covers unless in enclosed storage.

32 C. Enclosed lowerators for dishes are acceptable.

33 D. Clean spoons, knives, and forks must be touched
34 only by their handles. Clean cups, glasses, bowls, plates, and

1 similar items must be handled without contact with inside
2 surfaces or surfaces that contact the user's mouth.

3 E. Dishes or plate settings must not be set out on
4 the tables more than two hours before serving time.

5 4658.0670 DISHWASHING.

6 Subpart 1. **Requirements.** The dishwashing operation must
7 provide ~~proper~~ separation in the handling of soiled and clean
8 dishes and utensils, and must conform with either part 4658.0675
9 or 4658.0680 for washing, rinsing, sanitizing, and drying.

10 Subp. 2. **Sanitization; storage.** All utensils and
11 equipment must be thoroughly cleaned, and food-contact surfaces
12 of utensils and equipment must be given sanitization treatment
13 and must be stored in such a manner as to be protected from
14 contamination. Cleaned and sanitized equipment and utensils
15 must be handled in a way that protects them from contamination.

16 4658.0675 MECHANICAL CLEANING AND SANITIZING.

17 Subpart 1. **Generally.** Mechanical cleaning and sanitizing
18 must be done in the manner described by subparts 2 to 8.

19 Subp. 2. **Cleaning and sanitizing.** Cleaning and sanitizing
20 may be done by spray-type or immersion utensil washing machines
21 or by any other type of machine or device if it is demonstrated
22 that it thoroughly cleans, sanitizes equipment and utensils, and
23 meets the requirements of Standard No. 3, spray-type dishwashing
24 machines, issued by NSF International, June 1982. This standard
25 is incorporated by reference. It is available through the
26 Minitex interlibrary loan system. It is not subject to frequent
27 change. These machines and devices must be properly installed
28 and maintained in good repair. Machines and devices must be
29 operated according to manufacturers' instructions, which must be
30 posted nearby. Utensils and equipment placed in the machine
31 must be exposed to all washing cycles. Automatic detergent
32 dispensers, wetting agent dispensers, and liquid sanitizer
33 injectors must be properly installed and maintained.

34 Subp. 3. **Drainboards.** Drainboards must be provided and be
35 of adequate size for the proper handling of soiled utensils

1 before washing and for cleaned utensils following sanitization,
2 and must be located and constructed so as not to interfere with
3 the proper use of the dishwashing facilities. This does not
4 preclude the use of easily movable dish tables for the storage
5 of soiled utensils or the use of easily movable dish tables for
6 the storage of clean utensils following sanitization.

7 Subp. 4. Preparing to clean. Equipment and utensils must
8 be flushed or scraped and, when necessary, soaked to remove
9 gross food particles and soil before being washed in a
10 dishwashing machine unless a prewash cycle is a part of the
11 dishwashing machine operation. Equipment and utensils must be
12 placed in racks, trays, or baskets, or on conveyors, in a way
13 that food-contact surfaces are exposed to the unobstructed
14 application of detergent wash and clean rinse water and that
15 permits free draining.

16 Subp. 5. Chemical sanitization. Single-tank machines,
17 stationary-rack machines, door-type machines, and spray-type
18 glass washers using chemicals for sanitization may be used,
19 provided that:

20 A. wash water temperatures, addition of chemicals,
21 rinse water temperatures, and chemical sanitizers used are in
22 conformance with NSF International Standard No. 3, incorporated
23 by reference in subpart 2, and Standard No. 29, Detergent and
24 Chemical Feeders for Commercial Spray-Type Dishwashing Machines,
25 issued by NSF International, November 1992. These standards are
26 incorporated by reference. They are available through the
27 Minitex interlibrary loan system. They are not subject to
28 frequent change;

29 B. a test kit or other device that accurately
30 measures the parts per million concentration of the sanitizing
31 solution must be available and be used, and a log of the test
32 results must be maintained for the previous three months;

33 C. containers for storing the sanitizing agent must
34 be installed in such a manner as to ensure that operators
35 maintain an adequate supply of sanitizing compound; and

36 D. a visual or audible warning device must be

1 provided for the operator to easily verify when the sanitizing
2 agent is depleted.

3 Subp. 6. Hot water sanitization. Machines using hot water
4 for sanitizing may be used provided that wash water and pumped
5 rinse water are kept clean and water is maintained at not less
6 than the temperature specified by NSF International Standard No.
7 3, incorporated by reference in subpart 2, under which the
8 machine is evaluated. A pressure gauge must be installed with a
9 valve immediately adjacent to the supply side of the control
10 valve in the final rinse line provided that this requirement
11 does not pertain to a dishwashing machine with a pumped final
12 rinse.

13 Subp. 7. Air drying. Dishes and utensils must be air
14 dried before being stored or must be stored in a self-draining
15 position. Properly racked sanitized dishes and utensils may
16 complete air drying in proper storage places, if available.

17 Subp. 8. Cleaning of dishwashing machines. Dishwashing
18 machines must be cleaned at least once a day, or more frequently
19 if required, in accordance with the manufacturer's
20 recommendation.

21 4658.0680 MANUAL CLEANING AND SANITIZING.

22 Subpart 1. Generally. Manual cleaning and sanitizing must
23 be done in the manner described in subparts 2 to 9.

24 Subp. 2. Three compartment sink. For manual washing,
25 rinsing, and sanitizing of utensils and equipment, a sink with
26 at least three compartments must be provided and be used. Sink
27 compartments must accommodate food preparation equipment and
28 utensils, and each compartment of the sink must be supplied with
29 hot and cold potable running water. Fixed equipment and
30 utensils and equipment too large to be cleaned in sink
31 compartments must be washed manually or cleaned through pressure
32 spray methods.

33 Subp. 3. Drainboards. Drainboards must be provided at
34 each end for proper handling of soiled utensils before washing
35 and for cleaned utensils following sanitizing and must be

1 located so as not to interfere with the proper use of the
2 utensil washing facilities.

3 Subp. 4. Preparing to clean. Equipment and utensils must
4 be preflushed or prescraped and, when necessary, presoaked to
5 remove gross food particles and soil.

6 Subp. 5. Manual dishwashing process. Except for fixed
7 equipment and utensils too large to be cleaned in sink
8 compartments, manual washing, rinsing, and sanitizing must be
9 conducted in the following manner:

10 A. sinks must be cleaned before use;

11 B. equipment and utensils must be thoroughly washed
12 in the first compartment with a detergent in accordance with the
13 detergent manufacturer's instructions;

14 C. equipment and utensils must be rinsed free of
15 detergent and abrasives with clean water in the second
16 compartment;

17 D. equipment and utensils must be sanitized in the
18 third compartment according to subpart 6.

19 Subp. 6. Sanitization methods. The food-contact surfaces
20 of all equipment and utensils must be sanitized by one of the
21 following methods:

22 A. immersion for at least one-half minute in clean,
23 hot water at a temperature of at least 170 degrees Fahrenheit
24 (77 degrees centigrade);

25 B. immersion for at least one minute in a clean
26 solution containing at least 50 parts per million, but no more
27 than 200 parts per million, of available chlorine as a
28 hypochlorite and at a temperature of at least 75 degrees
29 Fahrenheit (24 degrees centigrade);

30 C. immersion for at least one minute in a clean
31 solution containing at least 12.5 parts per million, but not
32 more than 25 parts per million, of available iodine and having a
33 pH range which the manufacturer has demonstrated to be effective
34 and at a temperature of at least 75 degrees Fahrenheit (24
35 degrees centigrade);

36 D. immersion in a clean solution containing any other

1 chemical sanitizing agent allowed under Code of Federal
2 Regulations, title 21, section 178.1010, that will provide at
3 least the equivalent bactericidal effect of a solution
4 containing 50 parts per million of available chlorine as a
5 hypochlorite at a temperature of at least 75 degrees Fahrenheit
6 (24 degrees centigrade) for one minute; or

7 E. for equipment too large to sanitize by immersion,
8 but in which steam can be confined, treatment with steam free
9 from materials or additives other than those specified in Code
10 of Federal Regulations, title 21, section 173.310.

11 Equipment too large to sanitize by immersion must be
12 rinsed, sprayed, or swabbed with a sanitizing solution of at
13 least twice the required strength for that particular sanitizing
14 solution.

15 Subp. 7. Hot water sanitization. When hot water is used
16 for sanitizing, the following equipment must be provided and
17 used:

18 A. an integral heating device or fixture installed
19 in, on, or under the sanitizing compartment of the sink capable
20 of maintaining the water at a temperature of at least 170
21 degrees Fahrenheit (77 degrees centigrade);

22 B. a numerically scaled indicating thermometer,
23 accurate to plus or minus three degrees Fahrenheit (plus or
24 minus two degrees centigrade) convenient to the sink for
25 frequent checks of water temperature; and

26 C. dish baskets or other equipment of such size and
27 design to permit complete immersion of the tableware,
28 kitchenware, and equipment in the hot water.

29 Subp. 8. Chemical sanitization. When chemicals are used
30 for sanitization, they must not have concentrations higher than
31 the maximum permitted under Code of Federal Regulations, title
32 21, section 178.1010, and a test kit or other device that
33 accurately measures the parts per million concentration of the
34 solution must be provided and used, and a log of the test
35 results must be maintained for the previous three months.

36 Subp. 9. Air drying. All dishes and utensils must be air

1 dried before being stored or must be stored in a self-draining
2 position. Properly racked sanitized dishes and utensils may
3 complete air drying in proper storage places, if available.

4 4658.0685 PENALTIES FOR DIETARY AND FOOD SERVICES AND SANITATION
5 RULE VIOLATIONS.

6 Penalty assessments for violations of parts 4658.0600 to
7 4658.0680 are as follows:

- 8 A. part 4658.0600, subpart 1, \$350;
9 B. part 4658.0600, subpart 2, \$350;
10 C. part 4658.0600, subpart 3, \$100;
11 D. part 4658.0605, subpart 1, \$350;
12 E. part 4658.0605, subpart 2, \$300;
13 F. part 4658.0610, subpart 1, \$300;
14 G. part 4658.0610, subpart 2, \$350;
15 H. part 4658.0610, subpart 3, \$350;
16 I. part 4658.0610, subpart 4, \$350;
17 J. part 4658.0610, subpart 5, \$350;
18 K. part 4658.0610, subpart 6, \$50;
19 L. part 4658.0610, subpart 7, \$350;
20 M. part 4658.0610, subpart 8, \$350;
21 N. part 4658.0615, \$350;
22 O. part 4658.0620, subpart 1, \$350;
23 P. part 4658.0620, subpart 2, \$350;
24 Q. part 4658.0620, subpart 3, \$350;
25 R. part 4658.0620, subpart 4, \$100;
26 S. part 4658.0625, subpart 1, \$300;
27 T. part 4658.0625, subpart 2, \$300;
28 U. part 4658.0630, \$350;
29 V. part 4658.0635, \$350;
30 W. part 4658.0640, \$350;
31 X. part 4658.0645, \$350;
32 Y. part 4658.0650, subpart 1, \$350;
33 Z. part 4658.0650, subpart 2, \$350;
34 AA. part 4658.0650, subpart 3, \$350;
35 BB. part 4658.0650, subpart 4, \$350;

- 1 CC. part 4658.0650, subpart 5, \$350;
2 DD. part 4658.0650, subpart 6, \$350;
3 EE. part 4658.0650, subpart 7, \$350;
4 FF. part 4658.0655, \$350;
5 GG. part 4658.0660, subpart 1, \$300;
6 HH. part 4658.0660, subpart 2, \$300;
7 II. part 4658.0665, \$300; and
8 JJ. parts 4658.0670 to 4658.0680, \$300.

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10 EFFECTIVE DATE. Minnesota Rules, parts 4655.0090 and 4658.0600
11 to 4658.0685 are effective 90 days after the notice of adoption
12 is published in the State Register.