

5-206 Personnel

Item 11. Personnel with Infections and Communicable Diseases Restricted*

Disease or Medical Condition

A. Responsibility of the Person in Charge to Require Reporting By Food Employees and Applicants.

The licensee 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 3 of this section, if the food employee or applicant:

1. Is diagnosed with an **illness** due to:
 - a. Salmonella Typhi,
 - b. Shigella spp.,
 - c. Shiga toxin-producing Escherichia coli, or
 - d. Hepatitis A virus;
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 as follows:
 - a. Salmonella 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 disease outbreak caused by S. Typhi, Shigella spp., Shiga toxin-producing E. 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 cause by S. Typhi, Shigella spp., Shiga toxin-producing E. 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 cause by S. Typhi, Shigella spp., Shiga toxin-producing E. coli, or hepatitis A virus.

B. Exclusions and Restrictions.

The person in charge shall:

1. Exclude a food employee from a food establishment if the food employee is diagnosed with an infectious agent specified under ¶ 1 of the previous section.
2. Except as specified under ¶ 3 or ¶ 4 of this section, 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 establishment if the food employee is:
 - a. Suffering from a symptom specified under ¶ 2 of the previous section, or
 - b. Not experiencing a symptom of acute gastroenteritis specified under ¶ 2, Subparagraph a of this section but has a stool that yields a specimen culture that is positive for Salmonella Typhi, Shigella spp., or 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 ¶ 2, Subparagraph a. of this section and meets a high-risk condition specified under ¶ 4, Subparagraphs a. – c., in the previous section,
 - b. Is not experiencing a symptom of acute gastroenteritis specified under ¶ 2, Subparagraph a of this section but has a stool that yields a specimen culture that is positive for S. Typhi, Shigella spp., or Shiga toxin-producing E. coli,
 - c. Had a past illness from S Typhi within the last 3 months, or
 - d. Had a past illness from Shigella spp., or Shiga toxin-producing E coli within the last month; and
4. For a food employee who is jaundiced:
 - a. If the onset of jaundice occurred within the last 7 calendar days, exclude the food employee from the food establishment, or
 - b. If the onset of jaundice occurred more than 7 calendar days before:
 - I. Exclude the food employee from a food establishment that serves a highly susceptible population, or
 - II. Restrict the food employee from activities handling food, if the food establishment does not serve a highly susceptible population.

C. Removal of Exclusions and Restrictions.

1. The person in charge may remove an exclusion specified under Section B, ¶ 1 if:
 - a. The person in charge obtains approval from the regulatory authority; and
 - b. The person excluded as specified under Section B, ¶ 1 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 establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern.
2. The person in charge may remove a restriction if the restricted person:
 - a. Is free of the symptoms specified under Section A, ¶ 2 and no foodborne illness occurs that may have been caused by the restricted person,
 - b. Is suspected of causing foodborne illness but:
 - I. Is free of the symptoms specified under Section A, ¶ 2 and
 - II. 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;
 - c. 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 Crohns' disease, irritable bowel syndrome, or ulcerative colitis; or
 - d. 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, that indicates the stools are free of Salmonella Typhi, Shigella spp., or Shiga toxin-producing E. coli, whichever is the infectious agent of concern.

3. The person in charge may remove an exclusion specified under Section B, ¶ 3 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:

I. The infectious agent of concern;

II. Jaundice if Hepatitis A virus is the infectious agent of concern; or

III. If the person is excluded 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 the exclusion or the restriction and reinstate the employee 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; or

b. The excluded or restricted person is suspected of causing foodborne illness and complies with these requirements:

I. Symptoms cease; or

II. A blood test shows falling liver enzymes.

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 must:

1. Report any illness, symptom as described in Section A, ¶ 2, wounds or other conditions that might cause any type of foodborne illness if they were to be involved in food preparation; and

2. Comply with any exclusions or restrictions that the person in charge may require.

E. Reporting by the Person in Charge.

The person in Charge shall notify the regulatory authority that a food employee is diagnosed with an illness due to, Salmonella Typhi, Shigella sap., Shiga toxin-producing Escherichia coli, or Hepatitis A virus.