**Section 750.540 Management Sanitation Training and Certification**

a) All food service establishments as defined in Section 750.10, except Category III facilities, shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager.

1) Category I facilities. Category I facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).

B) Health care facilities licensed under the Hospital Licensing Act, Nursing Home Care, or Alternative Health Care Delivery Act that are subject to this Part may comply in one of the following alternative ways:

i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section, provided that the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.

b) Special Circumstances.

1) New food service establishments, except Category III facilities, shall have a certified food service sanitation manager from the initial day of operation or shall provide documentation of enrollment in an approved course to be completed within three months.

2) Food service establishments that are not in compliance with this Section because of employee turnover or other loss of certified personnel shall have three months from date of loss of certified personnel to comply.

3) Incidental absences of the certified food service sanitation manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided that there is documentation that a certified food service sanitation manager was scheduled to work at that time.

c) Certification shall be achieved by:

1) Successfully completing a Department-approved course and a monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part; and

2) Payment to the Department of a $35 certificate fee.

d) Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 32 Ill. Reg. 11980, effective July 10, 2008)