# Food Service Establishments and the Inspection Cycle

The Health Department inspects all food service establishments (FSEs) at least once a year. A Public Health Inspector who works for the Health Department conducts the inspection. The inspector may visit whenever the FSE is receiving or preparing food or drink, or is open to the public. The inspection is a review of the FSE's operations and facilities. The inspector checks that food safety requirements set out in the New York City Health Code are being met. These requirements include:

- Food preparation and storage practices
- Equipment maintenance
- Facility construction
- Cleaning and sanitizing processes
- Water sources
- Sewage disposal
- Pest control

The FSE operator should accompany the inspector during the inspection so that he or she can see the violations. At the end of the inspection, the inspector explains the violations to the operator and suggests ways to correct them and improve food safety. The inspector also issues a printed Inspection Report that includes the inspector's observations, the number of violation points and the inspection score. The inspector will issue a Notice of Violation (NOV) if the score is 14 or more points or if the FSE receives an unscored violation. The NOV includes the hearing date at the Office of Administrative Trials and Hearings (OATH), Hearings Division. The inspector and FSE operator both sign the Inspection Report.

The **inspection cycle** is a series of inspections that includes an **initial (first) inspection** and may also include a **reinspection** and **compliance inspection**.

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## INITIAL INSPECTION

The initial or first inspection begins an inspection cycle.

- An FSE that receives 0 to 13 points at the initial inspection must immediately post the "A" grade card.
- An FSE that receives 14 or more points at the initial inspection will be reinspected before a grade card is issued. In the meantime, the FSE must continue to post its current grade card. If the FSE is new and does not have a current grade card, it will remain ungraded until its reinspection.

## REINSPECTION

Reinspections are only done for FSEs that receive 14 or more points on the initial inspection. Reinspections happen eight or more days after the initial inspection. The reinspection will determine the FSE's grade for the inspection cycle.

- An FSE that receives 0 to 13 points receives an "A" grade card and must post it immediately.
- An FSE that receives 14 to 27 points will receive a "B" grade card and a "Grade Pending" card.
- An FSE that receives 28 or more points will receive a "C" grade card and a "Grade Pending" card.
- FSEs that receive "B" or "C" grades can challenge the inspection results at an OATH hearing. Until that hearing, the FSE must take down the old grade card and post either the reinspection grade card or the "Grade Pending" card.
- If the FSE's grade *does not* change after the OATH hearing, the restaurant must immediately post the grade card it received at the reinspection. If the grade card *does change* after the hearing, the restaurant must immediately post the card it receives after the hearing.

NOTE: The outcome of the OATH hearing DOES NOT change the period of time between inspection cycles. The period of time between inspection cycles depends on the FSE's highest score on its initial inspection or reinspection. Lower inspection scores indicate better compliance with the Health Code.

## COMPLIANCE INSPECTION

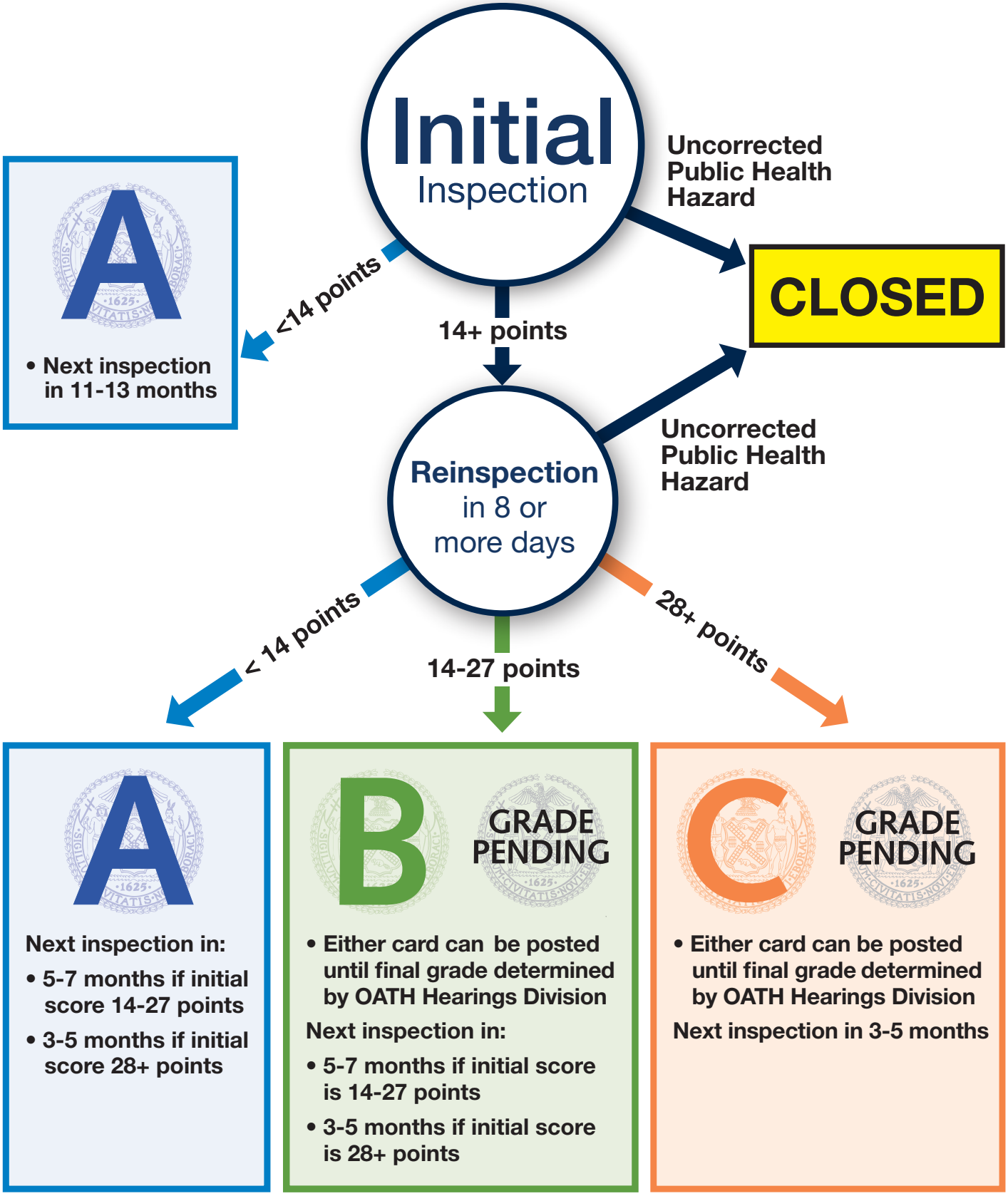
An FSE will receive a compliance inspection when it receives a score of 28 points or more on the reinspection, *and* the Health Department determines that there is an increased food safety risk to customers.

## HOW THE SCORE AFFECTS THE INSPECTION CYCLE

The period of time between inspections depends on the FSE's highest score during the initial inspection, reinspection or compliance inspection. Lower inspection scores indicate better compliance with the Health Code. FSEs that receive a low score are inspected less often than those that receive a high score:

| Score on Initial Inspection | Grade Card | Time Until Next Inspection |
|---|---|---|
| 0 to 13 points | | 11 to 13 months until next initial inspection |
| 14 to 27 points | No grade card issued | 8 or more days until reinspection |
| 28 points or more | No grade card issued | 8 or more days until reinspection |

| Score on Reinspection | Grade Card | Time Until Next Inspection |
|---|---|---|
| 0 to 13 points | | • 5 to 7 months if initial score is 14 to 27 points<br>• 3 to 5 months if initial score is 28 or more points |
| 14 to 27 points | | • 5 to 7 months if initial score is 14 to 27 points<br>• 3 to 5 months if initial score is 28 or more points |
| 28 points or more | | 3 to 5 months |

For more information and free educational resources in multiple languages, visit nyc.gov/health/foodservice or call 212-676-1600.

# NYC Restaurant Grade Program