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August 31, 2011

MEMORANDUM

To: Administrators of Habilitation Centers for the Intellectually Disabled or Persons with Related Conditions, and Residential Treatment Facilities for Children and Adolescents

From: Gwen C. Thompson
Acting Director, Division of Health Licensing

Subject: Conditions Allowing a Provider-wide Exception to the Requirements of Regulation 61-13, Standards Licensing Habilitation Centers for the Intellectually Disabled or Persons with Related Conditions, Section N(2)(b)(1)(a); Regulation 61-103, Residential Treatment Facilities for Children and Adolescents, Section 1(1)(c)(1)(a)

NOTE: This memorandum replaces the memorandum dated June 2, 1999. Amendments were made to comply with Act No. 47 of 2011 and to reflect regulation revisions.

Regulations 61-84, 61-13, 61-17, and 61-103 require that "all potentially hazardous food shall be maintained at safe temperatures (45 degrees Fahrenheit or below, or 130 degrees Fahrenheit or above)."

Chapter II, Section B.1 of the DHEC Regulation 61-25, Retail Food Establishments, requires that "The temperature of potentially hazardous food shall be 45 degrees F. (7.2 degrees C.) or below, or 130 degrees F. (54 degrees C.) or above, at all times except as otherwise provided in this regulation." It has been determined that the 140 degrees F. high range temperature for unsafe food storage indicated in the afore-mentioned regulations may be excessively restrictive. In the interest of establishing reasonable standards which can be met by providers and yet do not compromise the health and well-being of patients cared for in the above facilities, it has been determined that alternative standards will be considered as acceptable.

All community residential care facilities, habilitation centers for the intellectually disabled, nursing homes, and residential treatment facilities for children and adolescents will be required to meet the standard outlined in each facility's respective licensing standard; i.e. R61-13, Section N(2)(b)(1)(a), or R61-103, Section 1(1)(c)(1)(a). As an alternative, "All potentially hazardous food shall be maintained at safe temperatures (45 degrees Fahrenheit or below, or 130 degrees Fahrenheit or above)."

These exceptions apply to any habilitation center for the intellectually disabled or residential treatment facility for children and adolescents licensed by the Department. It relates solely to SC licensing standards. Any adverse condition(s) that may be related to this exception may result in revocation of the exception by the Department.

If there are any questions, you may call (803) 545-4370.

GCT/rms