

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0600 DIETARY SERVICE.**

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

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

Subp. 3. **Availability of diet manuals.** The most recent edition of diet manuals must be readily available in the dietary department.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0605 DIRECTION OF DIETARY DEPARTMENT.**

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

A. is registered by the Commission on Dietetic Registration of the American Dietetic Association;

B. is licensed under Minnesota Statutes, section [148.624](#); or

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

Subp. 2. **Director of dietary service.** If a qualified dietitian is not employed full time, the administrator must designate a director of dietary service who is enrolled in or has completed, at a minimum, a dietary manager course, and who receives frequently scheduled consultation from a qualified dietitian. The number of hours of consultation must be based upon the needs of the nursing home. Directors of dietary

service hired before May 28, 1995, are not required to complete a dietary manager course.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

#### **4658.0610 DIETARY STAFF REQUIREMENTS.**

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

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

Subp. 3. **Grooming.** Dietary staff must wear clean outer garments. Hairnets or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment.

Hair spray is not an acceptable hair restraint.

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

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

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

Subp. 7. **Sanitary conditions.** Sanitary procedures and conditions must be maintained in the operation of the dietary department at all times.

Subp. 8. **Food handling guide.** A current copy of the

department's food handling guide entitled "Information for Food Service Personnel in Hospitals and Related Care Facilities" must be readily available for reference by all dietary personnel.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0615 FOOD TEMPERATURES.**

Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above. "Potentially hazardous food" means any food subject to continuous time and temperature controls in order to prevent the rapid and progressive growth of infectious or toxigenic microorganisms.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803; 21 SR 196

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

## Table of contents for Chapter 4658

### **4658.0620 FREQUENCY OF MEALS.**

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

Subp. 2. **Snacks.** The nursing home must offer evening snacks daily. "Offer" means having snacks available and making the resident aware of that availability.

Subp. 3. **Time between meals.** Up to 16 hours may elapse between a substantial evening meal and breakfast the following day if a resident group, such as the resident council, agrees to this meal span and a nourishing evening snack is provided.

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

HIST: 19 SR 1803; 21 SR 196

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0625 MENUS.**

Subpart 1. **Menu planning.** All menus must be planned in advance, dated, and followed. Any changes in the meals actually served must be of equal nutritional value. The general menu for a seven-day period must be posted prior to the start of that seven-day period at a location readily accessible to residents, and any changes to the general menu must be noted on that posted menu. All menus and any changes for the current and following seven-day periods must be posted in the dietary area. Records of menus and of foods purchased must be filed for six months. A variety of foods must be provided. A file of tested recipes adjusted to a yield appropriate for the size of the home must be maintained.

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0630 RETURNED FOOD.**

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0635 CONDIMENTS.**

Condiments, seasonings, and salad dressing for resident use



must be provided in individual packages or from dispensers.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0640 MILK.**

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0645 ICE.**

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0650 FOOD SUPPLIES.**

Subpart 1. **Food.** All food must be clean, wholesome, free

from spoilage, free from adulteration and misbranding, and safe for human consumption. Canned or preserved food which has been processed in a place other than a commercial food-processing establishment is prohibited for use by nursing homes.

Subp. 2. **Food brought into nursing home.** Nonprohibited food items from noncommercial sources such as fresh produce, game, and fish may be brought into the nursing home in accordance with nursing home policy.

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

Subp. 4. **Storage of nonperishable food.** Containers of nonperishable food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area. Containers may be stored on equipment such as dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Nonperishable food and containers of nonperishable food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of

nonperishable food in toilet rooms or vestibules is prohibited.

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

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

Subp. 7. **Vending machines.** Storage and dispensing of food and beverages in vending machines must be in accordance with chapter 4626, and in accordance with any applicable local ordinances.

STAT AUTH: MS s [31.101](#); [31.11](#); [144.05](#); [144.08](#); [144.12](#); [144A.04](#); [144A.08](#); [157.011](#); [256B.431](#)

HIST: 19 SR 1803; 23 SR 519

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

## [Table of contents for Chapter 4658](#)

### **4658.0655 TRANSPORT OF FOOD.**

The food service system must be capable of keeping food hot or cold until served. A dumbwaiter or conveyor, which cab or carrier is used for the transport of food and soiled dishes, must be sanitized immediately after the transportation of soiled dishes is complete, and prior to the transporting of food. The dumbwaiter or conveyor, which cab or carrier is used for the transport of soiled linens, may not be used for the transport of food or soiled dishes.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

## [Minnesota Rules, Table of Chapters](#)

## [Table of contents for Chapter 4658](#)

### **4658.0660 FLOOR CLEANING AND TRASH.**

Subpart 1. **Cleaning during food preparation.** There must be no sweeping or mopping in the food preparation or service areas of the kitchen during the time of food preparation or

service, except when necessary to prevent accidents.

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0665 DISHES AND UTENSILS REQUIREMENTS.**

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

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

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

C. Enclosed lowerators for dishes are acceptable.

D. Clean spoons, knives, and forks must be touched only by their handles. Clean cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0670 DISHWASHING.**

Subpart 1. **Requirements.** The dishwashing operation must provide separation in the handling of soiled and clean dishes

and utensils, and must conform with either part [4658.0675](#) or [4658.0680](#) for washing, rinsing, sanitizing, and drying.

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

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0675 MECHANICAL CLEANING AND SANITIZING.**

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

Subp. 2. **Cleaning and sanitizing.** Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated



that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements of Standard No. 3, spray-type dishwashing machines, issued by NSF International, June 1982. This standard is incorporated by reference. It is available through the Minitex interlibrary loan system. It is not subject to frequent change. These machines and devices must be properly installed and maintained in good repair. Machines and devices must be operated according to manufacturers' instructions, which must be posted nearby. Utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

Subp. 3. **Drainboards.** Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must be located and constructed so as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

Subp. 4. **Preparing to clean.** Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the

dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

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

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

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

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

D. a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

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

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

Subp. 8. **Cleaning of dishwashing machines.** Dishwashing machines must be cleaned at least once a day, or more frequently

if required, in accordance with the manufacturer's recommendation.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

**4658.0680 MANUAL CLEANING AND SANITIZING.**

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

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

Subp. 3. **Drainboards.** Drainboards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

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

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

- A. sinks must be cleaned before use;
- B. equipment and utensils must be thoroughly washed in the first compartment with a detergent in accordance with the detergent manufacturer's instructions;
- C. equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment;
- D. equipment and utensils must be sanitized in the

third compartment according to subpart 6.

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

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

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

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

D. immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section [178.1010](#), that will provide at

least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

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

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

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

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

B. a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or

minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

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

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

Subp. 9. **Air drying.** All dishes and utensils must be air dried before being stored or must be stored in a self-draining position. Properly racked sanitized dishes and utensils may complete air drying in proper storage places, if available.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*

[Minnesota Rules, Table of Chapters](#)



## Table of contents for Chapter 4658

### **4658.0685 PENALTIES FOR DIETARY AND FOOD SERVICES AND SANITATION RULE VIOLATIONS.**

Penalty assessments for violations of parts [4658.0600](#) to [4658.0680](#) are as follows:

- A. part [4658.0600](#), subpart 1, \$350;
- B. part [4658.0600](#), subpart 2, \$350;
- C. part [4658.0600](#), subpart 3, \$100;
- D. part [4658.0605](#), subpart 1, \$350;
- E. part [4658.0605](#), subpart 2, \$300;
- F. part [4658.0610](#), subpart 1, \$300;
- G. part [4658.0610](#), subpart 2, \$350;
- H. part [4658.0610](#), subpart 3, \$350;
- I. part [4658.0610](#), subpart 4, \$350;

- J. part [4658.0610](#), subpart 5, \$350;
- K. part [4658.0610](#), subpart 6, \$50;
- L. part [4658.0610](#), subpart 7, \$350;
- M. part [4658.0610](#), subpart 8, \$350;
- N. part [4658.0615](#), \$350;
- O. part [4658.0620](#), subpart 1, \$350;
- P. part [4658.0620](#), subpart 2, \$350;
- Q. part [4658.0620](#), subpart 3, \$350;
- R. part [4658.0620](#), subpart 4, \$100;
- S. part [4658.0625](#), subpart 1, \$300;
- T. part [4658.0625](#), subpart 2, \$300;
- U. part [4658.0630](#), \$350;
- V. part [4658.0635](#), \$350;

- W. part [4658.0640](#), \$350;
  
- X. part [4658.0645](#), \$350;
  
- Y. part [4658.0650](#), subpart 1, \$350;
  
- Z. part [4658.0650](#), subpart 2, \$350;
  
- AA. part [4658.0650](#), subpart 3, \$350;
  
- BB. part [4658.0650](#), subpart 4, \$350;
  
- CC. part [4658.0650](#), subpart 5, \$350;
  
- DD. part [4658.0650](#), subpart 6, \$350;
  
- EE. part [4658.0650](#), subpart 7, \$350;
  
- FF. part [4658.0655](#), \$350;
  
- GG. part [4658.0660](#), subpart 1, \$300;
  
- HH. part [4658.0660](#), subpart 2, \$300;
  
- II. part [4658.0665](#), \$300; and

JJ. parts [4658.0670](#) to [4658.0680](#), \$300.

STAT AUTH: MS s [144A.04](#); [144A.08](#); [256B.431](#)

HIST: 19 SR 1803

*Current as of 01/19/05*