



ADMINISTRATIVE RULES OF MONTANA



37.106.2860 FOOD SERVICE

- (1) The facility must establish and maintain standards relative to food sources, refrigeration, refuse handling, pest control, storage, preparation, procuring, serving and handling food, and dish washing procedures that are sufficient to prevent food spoilage and the transmission of infectious disease. These standards must include the following:
 - (a) food must be obtained from sources that comply with all laws relating to food and food labeling;
 - (b) the use of home-canned foods is prohibited;
 - (c) food subject to spoilage removed from its original container, must be kept sealed, labeled, and dated.
- (2) Foods must be served in amounts and a variety sufficient to meet the nutritional needs of each resident. The facility must provide therapeutic diets when prescribed by the resident's practitioner. At least three meals must be offered daily and at regular times, with not more than a 14-hour span between an evening meal and breakfast unless a nutritious snack is available in the evening, then up to 16 hours may elapse between a substantial evening meal and breakfast.
- (3) Records of menus as served must be filed on the premises for three months after the date of service for review by the department.
- (4) The facility shall take into consideration the preferences of the residents and the need for variety when planning the menu. Either the current day or the current week's menu shall be posted for resident viewing.
- (5) The facility shall employ food service personnel suitable to meet the needs of the residents.
 - (a) Foods must be cut, chopped, and ground to meet individual needs or as ordered by the resident's physician or practitioner.
 - (b) If the cook or other kitchen staff must assist a resident with direct care outside the food service area, they must properly wash their hands before returning to food service.
 - (c) All food and drink are to be stored at a minimum of 4 inches off the floor.
 - (d) A facility, whose kitchen and dining services are inspected by the local county health department, must provide the department a copy of their most recent inspection at the time of survey.
- (6) If the facility admits residents requiring therapeutic or special diets, the facility shall have an approved dietary manual for reference when preparing a meal. Dietitian consultation shall be provided as necessary and documented for residents requiring therapeutic diets.

- (7) A minimum of a one-week supply of non-perishable foods and a two-day supply of perishable foods must be available on the premises.
- (8) Potentially hazardous food, such as meat and milk products, must be stored at 41°F or below. Hot food must be kept at 140°F or above during preparation and serving.
- (9) Freezers must be kept at a temperature of 0°F or below and refrigerators must be kept at a temperature of 41°F or below. Thermometers must be placed in the warmest area of the refrigerator and freezer to assure proper temperature. Temperatures shall be monitored and recorded at least once a month in a log maintained at the facility for one year.
- (10) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practice during all working periods in food service.
- (11) A food service employee, while infected with a disease in a communicable form that can be transmitted by foods may not work in the food service area.
- (12) Tobacco products may not be used in the food preparation and kitchen areas.

Authorizing statute(s): 50-5-103, 50-5-226, 50-5-227, MCA

Implementing statute(s): 50-5-225, 50-5-226, 50-5-227, MCA

History: NEW, 2002 MAR p. 3638, Eff. 12/27/02; AMD, 2022 MAR p. 1857, Eff. 9/24/22.