

**Topic:** Suspension of Permits

## **105 CMR 590.000 State Sanitary Code Chapter X - Minimum Sanitation Standards for Food Establishments**

### **590.014: Permits - Suspension and Revocation**

(A) Summary Suspension of Permit/Emergency Closure without a Prior Hearing.

(1) In accordance with M.G.L. 111, §30, the board of health or its authorized agent, as determined by the board of health, may, without a prior hearing, suspend a permit to operate a food establishment or to operate one or more particular operations if an imminent health hazard is found to exist.

(2) A permit may be summarily suspended without providing prior written notice, notice of a hearing, or a hearing, provided that the right to a hearing is afforded within three business days of the request.

(3) A summary suspension order shall be in writing and shall be posted at a public entrance to the food establishment and a copy provided to the permit holder of the food establishment, pursuant to 105 CMR 590.015 (2). The order summarily suspending the permit or specific operation of the permit holder shall be immediately effective upon posting of the order at the food establishment by an authorized agent of the board of health.

(4) The summary suspension order shall state:

(a) The name and location of the food establishment and the name and address of the permit holder;

(b) That the board of health or its authorized agent, as determined by the board of health, has determined that an imminent health hazard exists, which requires the immediate suspension of the food establishment permit or the operation of one or more particular operations at the food establishment;

(c) The specific violation(s) that lead to the determination that an imminent health hazard exists;

(d) That all operations or one or more particular operations of the food establishment shall immediately cease and desist;

(e) That the emergency closure shall remain in effect until conditions cited in the order of closure are corrected and the corrections are confirmed by the board of health or its authorized agent, as determined by the board of health, through reinspection and other means as appropriate.

(f) That a written request for a hearing shall be filed with the board of health by the permit holder within ten days of receipt of the summary suspension order.

(g) That the person has the right to inspect and obtain copies of all relevant inspection reports, orders, notices, and other documentary evidence in the possession of the board of health and has the right to be represented at any hearing.

(h) The name and address of the board of health to where the written request for a hearing shall be sent.

(i) The signature of a member of the board of health or its authorized agent, as determined by the board of health.

(5) The board of health shall hold a hearing within three business days after receipt of a written request for a hearing.

(6) If no hearing is requested, the summary suspension shall remain in effect until the board of health or its authorized agent, as determined by the board of health, determines that all conditions cited in the summary suspension order are corrected.

(7) The board of health or its authorized agent, as determined by the board of health, may end the summary suspension at any time if reasons for the suspension no longer exist.

(B) Suspension of a Permit with Notice.

(1) The board of health or its authorized agent, as determined by the board of health, may issue a notice to suspend a permit to operate a facility licensed under 105 CMR 590.000 or one or more particular operations of the facility. Each of the following grounds shall

constitute full and adequate grounds to suspend a permit.

(a) Failure to comply with the requirements of 105 CMR 590.000;

(b) Denial of entry to agents of the board of health or the Department or attempts to impede the work of a duly authorized agent of the board of health or the Department;

(c) Providing false or misleading statements or documents to the board of health or the Department or agents thereof, or keeping any misleading or false records or documents intended to satisfy the requirements of 105 CMR 590.000;

(d) The permit holder or, if the permit holder is a corporation, corporate officer or the owner of the facility, has been convicted of, plead guilty or no lo contendere to, or has, in a judicial proceeding, admitted facts sufficient to find that s/he is guilty of a crime relating to the operation of a food establishment;

(e) The permit holder, or if the permit holder is a corporation, a corporate officer or the owner of the facility has engaged in conduct that endangers the public health;

(f) Failure to pay any federal, state, or local taxes as required by law, pursuant to M.G.L. c. 62C, §49A;

(g) Failure to comply with local regulations/ordinances related to the operation of the facility; or

(h) Such other reasons not stated in 105 CMR 590.014(B)(1)(a) through (g), which pose a risk to public health and safety.