



Combating Home-Based Personal Service Settings

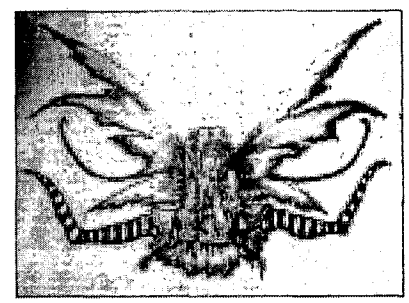
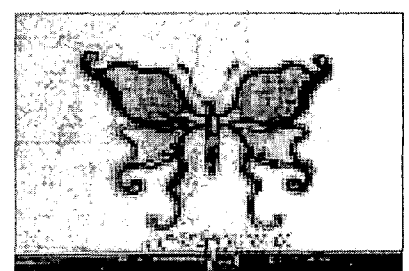
by Virma Benjamin, B.Sc., B.A. Sc., CPHI(C)

In Ontario there are no regulations that apply to personal service settings (PSS). Very often inspectors are made aware of premises and potentially unsafe practices only through complaints from patrons or irate parents of nipple and belly button pierced teens. This is especially true for operations in private residences where PSS inspectors can be refused entry and prevented from conducting an inspection. Fortunately for us most operators don't know this and each entry gained into a "private residence" PSS is a small victory.

Until recently there was no requirement for personal service settings operators to obtain a public health inspection as a condition of obtaining a license to operate a business. That is until Jake Coombs (self proclaimed Dr Feelgood, tattoo artist and body piercer) met Isabel Gamache PHN and the Eastern Ontario Health Unit (EOHU) – Cornwall.

If Dr Feelgood had known better in 2003, he could have saved himself a lot of money and trouble the first time Isabel Gamache PHN, a PSS inspector from EOHU rang his doorbell. As his "studio" is located in his home, he could have refused to let her in and would have been free to continue "sterilizing" his equipment with a pressure cooker that had no temperature or pressure gauges. Had he been able to tell the future he could have saved himself the \$6500.00 in fines that he has been ordered to pay over the coming year (2005-2006) and bought a real autoclave just in case he ever had the inclination to use one.

See Personal Service Settings, p.4



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Submissions Criteria:

- All topics must be relevant to the Public Health Inspection Field
- Articles must be submitted either on computer disk or by e-mail in MS Word (written articles will not be accepted).
- Articles submitted should be approximately 150 words (feature articles a maximum of 500 words).
- Feature articles will be determined by the OBN editorial team.
- Graphics or pictures included with the submission must be a resolution of 150—300 dpi.
- Articles must be submitted by the deadlines outlined below

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Fall Issue— August 29, 2006
Winter Issue— November 7, 2006

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Message from the Editor

This is the first issue of the OBN with a brand new editorial team. We hope you like it.

*First, I would like to extend a special thank you to **Sarah Wilson** who after two stellar terms as your Communications rep, graciously handed over the reins. The welcome from CIPHI members and the Ontario Branch Executive has been warm and encouraging, for that, I thank you.*

*Joining me in the Editorial Team is **Melanie Azeff**, B.A., B.A.Sc., CPHI (C)—we're so lucky—who works on the Environmental Response Team with Toronto Public Health. But the expansion of the team doesn't stop there: This is the official call for writers! By either joining our pool of freelance writers or passing on ideas to the team at communications@ciphi.on.ca, make your voice heard. Ontario has the largest PHI/EHO base of all the provinces, so make it loud. We want to uncover (and then cover) every aspect of PHI/EHO existence in the province; let us know how you want to help!*

*In this issue, **Charles Empringham** tackles the age old Public Health question of employing education versus enforcement when implementing Public Health interventions. Where do we begin with Personal Service Settings? **Virma Benjamin** starts in Cornwall to bring us their battle on the home-based PSS.*

*The OBN Editorial Team asked an inspector (**Anne Stewart**) knee-deep in court proceedings to make notes and get back to us. We think you'll like what she came up with.*

Environmental Public Health Week has come and gone, what did you do? Forgot already? Don't worry, it's been documented here.

We're introducing a new column Blast From the Past with thought-provoking quotes from yesteryear. As the slant of this issue is focused around enforcement, so is the quote. Let us know what you think.

*And lastly, the past president **Suzanne Lychowyd-Shaw**, has something she would like to ask you. See page 10 for details.*

Best always,

Heather Richards, B.A.(Hons.), B.A.Sc., CPHI (C)

Personal Service Settings, continued from p.1.

During an inspection in 2004 in response to yet another complaint, Isabel Gamache noted that Dr. Feelgood did not have an autoclave; instead he explained that he had been using a pressure cooker. As is common practice in the EOHU, PSS inspectors do not rely wholly on the spore testing results supplied by operators. During their inspections they also challenge the sterilization equipment with spore testing strips of their own.

When Ms Gamache later received results which revealed that the pressure cooker was not adequately sterilizing Dr Feelgood's tools, she turned to her colleague Mr. Renee la France for assistance. In August of 2004, Dr. Feelgood was served a section 13 order under the Health Protection Promotion Act (HPPA) by Mr. Renee la France, a PHI of over 30 years experience. The Order required that Dr. Feelgood refrain from performing any procedures on clients, until he obtained an approved sterilization device that had successfully passed a spore test.

In September of 2004 the EOHU received two complaints that Dr. Feelgood had pierced two people. At this time, he had not yet met the conditions of the Section 13 Order and was not permitted to operate. While investigating the new complaints, Ms Gamache returned to Dr. Feelgood's studio only to find that in lieu of purchasing an autoclave, he had tried to solder temperature and pressure gauges onto the pressure cookers.

In October of 2004 two charges were laid against him for two counts of failing to obey the Section 13 Order of the HPPA. After repeated delays, the case was finally brought before a Justice of the Peace and Dr Feelgood was found guilty and fined \$6500.00.

One would think that there were high fives and lots of coffee flowing in their offices on the day that Dr Feelgood was made to account for being a scofflaw. Instead investigators at the EOHU were calmly getting back to work, ready to rid Cornwall of any of Dr Feelgood's ilk.

The attempt by the EOHU to introduce legislation governing PSS's was a long an arduous journey riddled with court delays.

In an interesting twist of fortuitous serendipity PHI Renee la France was able to advise the municipality of Cornwall during the city's by-law review process(2004-2005). He was able to impress upon them the importance of ensuring that all PSS's get inspected and the difficulties faced by inspectors under the current legal labyrinth. A bylaw requiring all PSS establishments (regardless of whether they are located in a private home or public places) to be approved by the Health Unit as a condition of obtaining and maintaining an operating license, became part of Cornwall's legal landscape in 2005. Well done EOHU. If only we had the will to take this measure of initiative throughout the province.

Education Vs. Enforcement

by Charles Empringham CPHI(C)

Long ago, early in my career as a Public Health Inspector (PHI), one of my mentors proudly stated, "If you have to resort to taking legal action, you've failed in your role as an educator." My confidence in my ability as an 'educator' was shaken when I was forced to lay my first charges. Despite my best efforts, over time it became clear that the operator was not going to alter his food handling methods to guarantee public safety.

As a PHI one of my roles is to assist in the production of safe, wholesome foods. We are all mandated to protect the health of the public and although many of us pride ourselves on our ability to educate our clients, in some instances we have no choice but to take legal action.

The Ontario Food Premises Regulation, under the Health Protection and Promotion Act outlines *minimum* food safety requirements that must be met by food premise owners/operators in Ontario. The requirements cover the operation and maintenance of food premises and are based on sound scientific principles designed to reduce the potential risks to the public associated with food. In a perfect world, the owners/operators would heed every word we say and all food establishments would be in full compliance on each visit. Sorry folks, it's not a perfect world.

When an infraction is identified by a PHI it is pointed out to the food-handler, and an effort is made by the PHI to explain the scientific principles backing the requirement in layman's terms. However, despite the best efforts of PHIs, these lessons sometimes fall on deaf ears.

The Provincial Offences Act (POA) allows PHIs several options in terms of taking legal action. Under Part I of the POA, the owner/operator may receive an Offence Notice (ticket). Alternatively, PHIs can serve a Summons to owner/operators under Part III of the POA forcing the owner/operator to appear in court to address the charges in front of a Justice of the Peace (JP). In some cases either a Probation Order or Prohibition Order is issued from the presiding JP. Of course, violating either one of these Orders is regarded as a serious offence and can result in a significant monetary penalty and/or jail time.

Regardless of which form of legal action PHIs opt for, collecting evidence and preparing a comprehensive file is paramount. This is no small task. It's imperative that PHIs have a comprehensive file that illustrates their findings and includes photographs, notes, required searches, confirmation of license status, etc. This evidence is necessary for the prosecutor to have a full understanding of all aspects of the case and facilitates the prosecution. Further, if a case is being vigorously defended, the inspector may be subject to a detailed cross-examination.

In essence, I think it would be safe to say that PHIs would rather have an operator comply with the requirements listed in food safety inspection reports than be forced to take on the role of the "enforcer". Education still is and always will be a fundamental part of every food premises inspection. Nevertheless, over the years I have learned that sometimes legal action is a necessary part of the job. Times have changed, and I believe that a PHI who ends up in court is not a failure, but a professional who will go the extra mile when necessary to ensure the public is provided with the safest food possible.

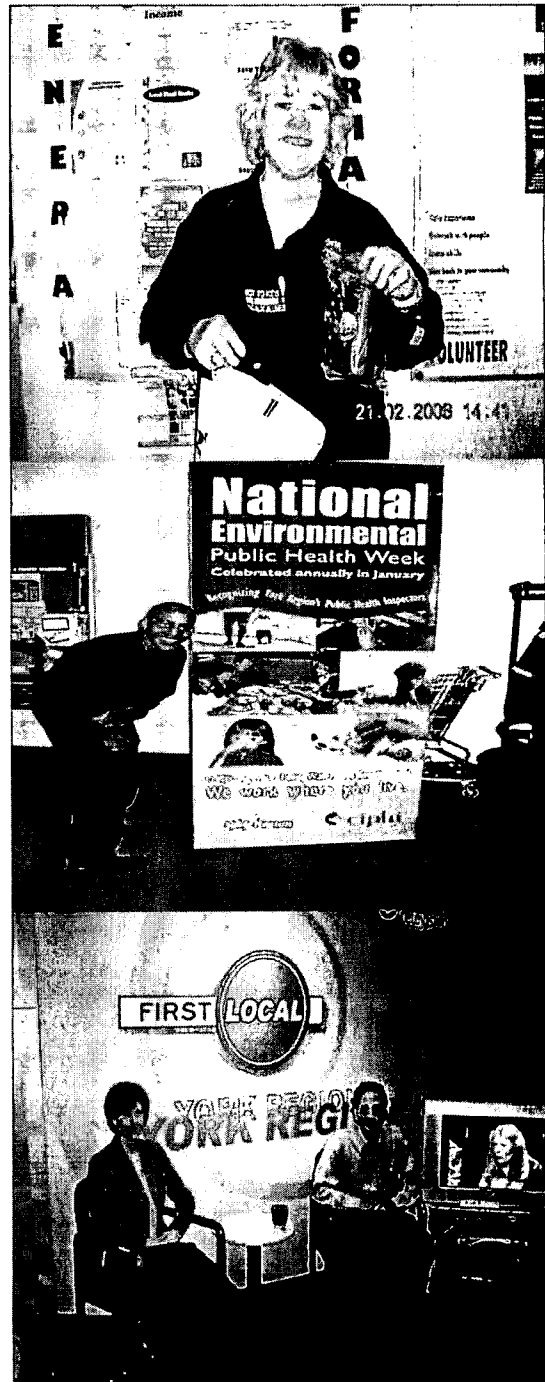
This year Environmental Public Health Week 2006 (EPHW) took place during the week of January 2nd to January 8th and provided us with an opportunity to recognize and promote the work of Public Health Inspectors/Environmental Health Officers across Canada. The week allowed us to showcase the hard work of all Certified Public Health Inspectors/ Environmental Health Officers. We at the OBN wanted to know how you celebrated. Here goes:

The mayor of the region proclaimed it was EPHW and so it was!! Algoma Health Unit also celebrated EPHW with posters and newsprints.

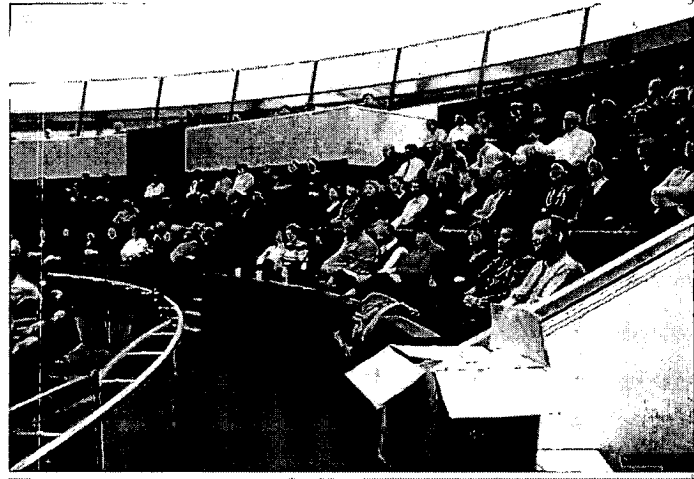
An afternoon coffee party with cakes and goodies marked the occasion in Brant County Health Unit.

Haliburton Kawartha Pine Ridge Health Unit increased community awareness of PHI's through media releases and interviews.

There was flurry of activity celebrating EPHW at York Region Health Services Dept. The celebration included a Rogers daytime live telecast with two PHI's, in house regional promotion complete with displays, prizes and quizzes about the role of PHIs. Coffee was served and PHIs received gifts. The best gifts of all were the letters of gratitude from the AMOH (wow!).



*With EPHW posters throughout the Health Unit, an information booth in the front lobby and media releases, the **County of Lambton** also purchased goodies to celebrate their PHI's.*



*It was a whirlwind of celebration at **Toronto Public Health!** In addition to a ceremony at City Hall council chambers complete with a reception, there was also employee recognition awards, and a creative photo montage of PHI's at work over the past year. The event was topped off with cake and gifts for all PHI's.*



*In addition to displays, all staff at **Sudbury and District** were invited to enjoy coffee and cake to recognize EPHW.*



*The **Region of Waterloo Public Health Unit** sponsored a one hour celebration with coffee tea, displays and prizes.*



***Oxford County Public Health** and emergency services got media exposure using exhibits, radio ads and news releases. They did not stop there: they also encouraged participation with a survey and a contest.*

At Leeds Grenville EPHW posters were displayed and word got out to the public using radio ads: It's EPHW!

*Not one, but two (!!) cake and coffee sessions complete with quizzes and prizes were hosted by the **Peel Public Health Unit** to highlight the occasion.*

*To launch EPHW Halton Region **Health Unit** sent out mass emails, hosted a coffee break for PHI's and proudly displayed environmental health exhibits.*



As for future Environmental Public Health Weeks? Some of you expressed a desire for more media coverage, an increase in management involvement, a desire for more celebration ideas, a wish for earlier reminders from CIPHI and others indicated that the week itself should be changed to a later date in January, so vacationers have a chance to participate.

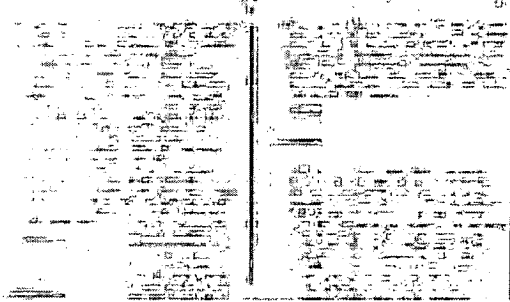
Finally, when asked if you believe that it is important for CIPHI to continue actively promoting EPHW, the resounding response was positive. It is encouraging to hear that so many of us believe that promoting our profession and increasing community awareness is something that CIPHI should continue being committed too. Promoting the profession both internally and out in the community is a dynamic process.

The OBN Editorial Team

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Impressions at a Courthouse

by Anne Stewart B.A. (Hons.), B.A.Sc. CPHI (C)



I await the show with delight,
Unexpected responses,
Outcomes unknown,
Be prepared, do your work,
Sure of your conviction (sic)?
Enjoy the show,
Popcorn, caramel corn?

Evidence in hand, you enter the tent,
It is hot, dry, and bright,
All kinds of people, all walks of life,
Their emotions are forefront,
Fear for their pets, business losses,
Some are confused and some bewildered,
"All rise!"

Costumes are worn, yes, indeed,
Dress well-attired,
In robes at the top, ties at the bench,
Prosecution tired, wrinkled and worn,
In pews to the right, jingle keys, pens and badges,
The motley crowd to the left,
Club owners, cab drivers, dog owners.

From you spectator haze you hear the cry,
"Officer, page the defendant,"
To hall you alight,
No defendant in sight,
Proper addresses required,
"Your Honour"; "Your Worship",
Which is it today?

People come and people go,
Whispers here and whispers there,
Coats rustle, papers shuffle,
Cell phones ring, hats on,
The court reminds, the JP reprimands,
Have they forgotten the purpose?
Does anyone know the Reg. today?

What will be the antics of the day?
The Crown's eyes are roaming the tent,
Interaction requested,
An acrobat introduces herself,
She plays her part well,
A clown is called,
Translation required.

You've been asked to perform,
You're up on the stand,
They ask, "The onions— a yellow bag or a purple bag?"
You want to scream,
No matter, your role is serious and clear,
Think on your feet, draw into evidence,
Dull roar in your ears, pounding blood in your head,

"You may stand down,"
It is over,
Defense play their parts,
Strutting, parading, spouting,
Out of your control,
"A conviction," good,
"Five dollars," bow out



PHI John Earnshaw at work, c.1910. The *Inspector's Manual* was introduced in 1908 to ensure consistency when applying Public Health Law.

Blast From The Past

by Suzanne Lychowyd-Shaw, B.A.A., CPHI (C), C.O.H.S.

The theme of this issue is enforcement. This portion of the OBN is intended for reflection. To see how far we have come and how things change or don't change but just get better. The following thought provoking excerpt was found in the *Manual for Sanitary Inspectors*, 9th edition (revised) 1961, published by the Canadian Public Health Association.

"Recourse to mandatory orders and prosecutions should only become necessary after all reasonable persuasive and educational measures have failed. Supervisors sometimes find that "problem" cases referred to them for advice, need never have reached this state if the inspector concerned had used ordinary tact and good judgment."

To read about one inspector's response to this kind of thinking, please see *Education Vs. Enforcement*, Charles Empringham's article on page 4. Let us know your response: communications @ciphi.on.ca.

A Question from CIPHI Ontario Branch's Past President...

Past President Suzanne Lychowyd-Shaw asks Ontario Branch members,

"This is the sophomore edition of the electronic Ontario Branch News (e-OBN), what do you think?"

Let her know at pastpresident@ciphi.on.ca.



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Look for our Next Issue..... Spring 2006

If there is anything that you would like to see in the OBN let us know. Contact the OBN editor at: communications@ciphi.on.ca



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