



**STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF HEALTH**

**IN THE MATTER OF:
D’Prieto Barbershop
Violations of Executive Orders and
RI Department of Health Regulations**

IMMEDIATE COMPLIANCE ORDER

Now comes the Director of the Rhode Island Department of Health (“RIDOH”), as informed by the Chair (“Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”), and pursuant to R.I. Gen. Laws § 23-1-21, Executive Orders 20-32 and 20-79 (“Executive Orders”), and the RIDOH rules and regulations pertaining to Safe Activities By Covered Entities During the COVID-19 Emergency (216-RICR-50-15-7) (“Safe Regulations”), determines that D’Prieto Barbershop (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations require immediate action to protect the health, welfare, and safety of the public.

NEED FOR IMMEDIATE ACTION

On March 9, 2020, Governor Gina M. Raimondo declared a state of emergency for the State of Rhode Island due to the dangers to health and life posed by COVID-19. The Safe Regulations were promulgated as an emergency rule, pursuant to R.I. Gen. Laws § 42-35-2.10, based on a finding that an imminent peril to the public health, safety, or welfare required immediate promulgation of the rule, specifically that “[i]n order to prevent further spread of COVID-19 as individuals begin to leave their homes more frequently and establishments begin to reopen, protective measures must be followed and

implemented for individuals and establishments to resume operations so that the public's health and welfare is protected.”

GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a personal services establishment located at 688 Prairie Avenue in Providence.
- II. Respondent is a covered entity, as defined in the Safe Regulations. As such, the Respondent is required to comply with applicable Executive Orders and the Safe Regulations.
- III. On or about October 19, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent scored an 8/11 for overall requirements. Of significance, though, was the fact that multiple employees and customers were observed not wearing cloth face coverings. After the inspection, the inspector provided information and resources to the Respondent to help it achieve full compliance. This included a recommendation to the Respondent on how to access www.ReopeningRI.com and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Respondent was also advised that an inspector would conduct a reinspection in the near future.
- IV. Based on the foregoing, and in the absence of any other information to rebut the allegations, the Director of RIDOH has determined that Respondent is in present violation of multiple provisions of applicable Executive Orders and/or the Safe Regulations and that immediate action is necessary to protect the health, welfare, or safety of the public.

VIOLATIONS

The following alleged violations stem from the October 19, 2020 inspection.

- I. Respondent is in violation of Section 7.4.1(A)(3) of the Safe Regulations, which requires all individuals in an establishment to wear cloth face coverings unless physical distancing or an exception applies and requires establishments to deny entry to any employee, who is not

otherwise exempt from the requirement or who refuses to wear a cloth face covering when required. The inspector observed four (4) employees and several customers who were either not wearing a cloth face covering or were wearing the cloth face covering incorrectly. More specifically, the inspector observed three (3) barbers who were not wearing a cloth face covering and one nail technician who was wearing the cloth face covering under her chin. None of these employees and customers claimed an exception, nor were the employees and customers able to continuously maintain physical distancing. (See "Exhibit A")

- II. Respondent is in violation of Section 7.4.6.(A)(3) of the Safe Regulations, which requires that for services where the individual receiving the service must remove his or her mask, the personal service professional must wear a face covering with protection equivalent to an N-95 respirator and eye protection. The inspector observed that the nail technician was performing services on an unmasked customer without wearing protection equivalent to an N-95 respirator and without eye protection.
- III. Respondent is in violation of Sections 7.4.1(A)(6) & (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of its establishments once per day and to maintain records documenting such environmental cleaning. Upon request, the Respondent could not produce the required records.
- IV. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities to maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days. Upon request, Respondent could not produce an employee work log.
- V. Respondent is in violation of Section 7.4.1.(A)(11) of the Safe Regulations, which prohibits the use of hookah or waterpipes indoors. The inspector observed a barber smoking hookah indoors. (See "Exhibit A")

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close until such time that the above-listed violations are remedied to the satisfaction of the Director of RIDOH by fulfilling the conditions as set forth below:

- I. Respondent must develop and incorporate into its written control plan a strategy to prevent the violations listed above from reoccurring. Said written plan shall incorporate, but not be limited to, the following:
 - a. Respondent shall require all employees in its establishment to wear cloth face coverings unless physical distancing can be continuously maintained, or an exception applies. In accordance with Section 7.4.1(3)(a) of the Safe Regulations, Respondent shall deny access to its establishment to any employee who refuses to wear a cloth face covering when required by the Safe Regulations unless an exception applies.
 - b. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
 - c. Respondent shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days.
 - d. Respondent shall ensure that for services where the individual receiving the service must remove his or her mask, the personal service professional must wear a face covering with protection equivalent to an N-95 respirator and eye protection.
 - e. Respondent shall ensure that no hookah is used indoors.
- II. In addition to the conditions set forth above, Respondent may not reopen until after

each employee has been interviewed by RIDOH to ensure that none has symptoms of COVID-19. In accordance with Section 7.4.1(A)(2), any employee exhibiting multiple symptoms of COVID-19 or who is COVID-19 positive shall be denied access to the establishment.

Entered this 22nd Day of October 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is fluid and cursive, with the first name "Nicole" written in a larger, more prominent script than the last name "Alexander-Scott".

Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
Cannon Building, Rm. 401
Three Capitol Hill
Providence, RI 02908

Exhibit A

