



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

**IN THE MATTER OF:
Ultimate Salon
Violations of Executive Orders and
RI Department of Health Regulations**

**IMMEDIATE COMPLIANCE ORDER
HEALTHY ENVIRONMENT**

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 20-98 (“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 Ultimate Salon (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violation requires 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 VIOLATIONS

- I. Respondent is a personal services establishment located at 587 Broad Street in Providence.
- II. Respondent is a covered entity, as defined in the Safe Regulations. As such, Respondent is required to comply with applicable Executive Orders and the Safe Regulations.
- III. On or about November 11, 2020, a Task Force inspector met with owner Carmen Garcia (“Owner”) and conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that the Respondent scored a 5/12 for overall requirements. After the inspection, the inspector provided information and resources to the Respondent to help it achieve full compliance. This included recommendations to the Respondent on how to access www.ReopeningRI.com and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Owner assured the inspector that she would attain compliance.
- IV. On or about November 20, 2020, a different Task Force inspector met with the Owner and conducted a reinspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent again scored a 5/12 for overall requirements and had made no attempts to attain compliance.
- V. 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 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 violations stem from the November 20, 2020 reinspection:

- I. Respondent is in violation of Section 7.3(B) of the Safe Regulations, which requires all individuals in public or in an establishment to wear a cloth face covering unless an exception applies, and Section 7.4.1(A)(3) of the Safe Regulations, which requires each covered entity to instruct any person entering an establishment to wear cloth face coverings except when an exception applies, and to deny access to any employee who refuses to wear a cloth face covering when required. The inspector observed that there were five (5) employees in the establishment. Three (3) of the employees, including the Owner and two (2) hairdressers, were not wearing cloth face coverings. Additionally, two (2) of the four (4) customers were also not wearing cloth face coverings. None claimed an exception.
- II. Respondent is in violation of Section 7.4.6.(A)(3) of the Safe Regulations, which requires personal service professionals to wear a face covering with protection equivalent to an N-95 respirator and eye protection when performing services that require the individual receiving the service to remove his or her mask. The inspector observed that two (2) customers, who were not wearing cloth face coverings, were receiving personal services from employees who were not wearing a face covering with protection equivalent to an N-95 style respirator and eye protection.
- III. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment. Upon request, Respondent could not produce a written plan.
- IV. Respondent is in violation of Section 7.4.1(A)(1)(a) of the Safe Regulations, which requires establishments to ensure compliance with a plan that includes procedures relative to, among other things, physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible. As stated, above, Respondent admitted to not having the required plan and the inspector observed that there were no measures in place to ensure that physical distancing was maintained. Additionally,

the inspector observed that due to the proximity of the salon chairs, physical distancing could not be maintained.

- V. 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.
- VI. 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.

ORDER

It is hereby **ORDERED**, that Respondent is immediately closed until such time as the following violations are remedied to the satisfaction of the Director of RIDOH:

- I. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.

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 an exception applies. In accordance with Section 7.4.1(A)(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 that personal service professionals wear face coverings with protection equivalent to an N-95 respirator and eye protection when performing services that require the individual receiving the service to remove his or her mask.
 - c. Respondent shall instruct all individuals/customers in its establishment to wear cloth face coverings unless an exemption applies.
 - d. Respondent shall ensure compliance with its plan for safe operation, required pursuant to Section 7.4.1(A)(1) of the Safe Regulations, including compliance with, among other things, procedures consistent with the Safe Regulations relative to physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible.
 - e. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
 - f. 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.
- II. Once completed, said written plan must be emailed to DBR.CovidTaskForce@dbr.ri.gov for approval. You will be notified whether your updated plan has been approved, and if so, the date for your reinspection.
- III. Respondent shall ensure that all required RIDOH licensing is in current and good standing

Entered this 24th day of November 2020.



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