



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

**IN THE MATTER OF:
Blendz Barber Shop
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 20-67 (“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 Blendz Barber Shop (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations 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 188 Taunton Avenue in East 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 August 27, 2020, a Task Force inspector met with owner Mike Lopez (“Owner”) and conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection of eleven (11) items based on the Safe Regulations. The inspector determined that Respondent scored a 1/11 for overall requirements. The inspector noted in his report that the Owner stated that he was not aware that staff or customers had to wear masks while cutting hair. The Owner also was generally unaware of any other requirements.
- IV. In response, the inspector provided information and resources to the Respondent to help it achieve 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 a reinspection would take place in the near future.
- V. On or about September 2, 2020, a different Task Force inspector met with the Owner and conducted a reinspection of the Respondent. The Inspector performed a checklist inspection of eleven (11) items based on the Safe Regulations. The Inspector determined that Respondent scored a 2/11 for overall requirements and remained substantially not in compliance with applicable Executive Orders and/or the Safe Regulations.

- VI. 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 violations stem from the September 2, 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 physical distancing can be maintained easily and continuously, or an exemption applies, and Section 7.4.1(A)(3), which requires each covered entity to instruct any person entering an establishment to wear cloth face coverings except when physical distancing from others in the establishment is easily, continuously, and measurably maintained or an exception applies, and to deny access to any employee who refuses to wear a cloth face covering when required. The inspector observed four (4) employees, including the Owner, who had already been advised of the need to wear a mask, inside the establishment during the inspection, none of which was wearing a mask. The inspector also observed six (6) customers in the shop, none of which was wearing a mask either. None of the ten (10) individuals claimed an exemption to the requirement applied.
- II. Respondent is in violation of Section 7.4.1(A)(1)(f) of the Safe Regulations, which requires the designation of a point of contact who is familiar with the applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up. Upon request, Respondent could not identify a point of contact who is familiar with the guidance and regulations.

- 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 provide a written plan.
- IV. Respondent is in violation of Section 7.4.1(A)(8), which requires every covered entity 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. Upon request, Respondent could not produce an employee work log.
- V. Respondent is in violation of Sections 7.4.1(A)(6) and (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of their establishments once per day, to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles, and railings in accordance with Centers for Disease Control (“CDC”) guidance, and to maintain records documenting such environmental cleaning. Upon request, Respondent could not produce the required cleaning logs.
- VI. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) of the Safe Regulations, which requires each covered entity to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings in accordance with CDC guidance for specific industries. Upon observation, the inspector noted that employees were utilizing barber shop instruments, tools, capes, and seats for multiple customers without any cleaning in between uses.
- VII. Respondent is in violation of Section 7.4.1(A)(4) of the Safe Regulations, which requires each covered entity to ensure the placement of posters or signs at entry to its establishments educating any individual at the establishment concerning entry screening, required physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH. The inspector observed that required posters were absent from the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.

- VIII. Respondent is in violation of Section 7.4.1(A)(2) of the Safe Regulations, which requires each covered entity to implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason. The inspector observed multiple persons enter the establishment with no screening taking place by staff. In addition, there were no posters located near the entry of the establishment to educate customers on entry screening.
- IX. 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. The inspector also observed that the hair cutting stations were located within 6 feet of each other without any dividers between them and that the waiting room was set up without any spacing between the chairs to prevent customers from sitting next to each other.

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 and implement a corrective plan that brings Respondent into compliance with applicable Executive Orders and the Safe Regulations.
- II. Respondent establishment shall be cleaned and sanitized in accordance with applicable CDC guidance.
- III. Each employee shall be 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.

- IV. 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.
- V. Respondent shall designate a point of contact who is familiar with applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up.
- VI. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- VII. 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. Said work log shall be maintained for at least thirty (30) days.
- VIII. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and shall clean commonly touched surfaces, such as barber shop instruments, tools, chairs, and capes. in accordance with CDC guidance. Respondent shall maintain records documenting such cleaning.
- IX. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- X. Respondent shall ensure that all entrants to its establishment at any time for any reason are screened in accordance with Section 7.4.1(A)(2) of the Safe Regulations.
- XI. 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 to include additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible.

Entered this 4th day of September 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