

## TITLE 216 - DEPARTMENT OF HEALTH

### CHAPTER 50 – ENVIRONMENTAL HEALTH

#### SUBCHAPTER 15 – HEALTHY ENVIRONMENT

##### PART 9– Regulations Regarding Communal Living Arrangements

### 9.1 Authority

- A. These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1, 23-1-17, and 42-35-2.10 for the purpose of establishing certain criteria for seasonal, business-sponsored, communal living arrangements.
- B. These regulations are intended to supplement and not replace COVID-19 related regulations promulgated by other State agencies and departments.

### 9.2 Definitions

- A. Wherever used in this Part, the terms listed below shall be construed in the following manner:
  - 1. “Business” means a person, firm, corporation, partnership, association, receiver or trustee in bankruptcy, having one or more individuals, including oneself, in service.
  - 2. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.
  - 3. "COVID-19 symptoms” means the occurrence of any of the symptoms of COVID-19, as set forth in CDC guidance, when they develop over a period of hours to days and cannot be explained by allergies or other non-infectious disease. Such symptoms include, among others, sweating, chills, repeated shaking with chills, muscle pain, body aches or other symptoms consistent with fever, temperature measured above 100.4°F, cough, congestion, sore throat, shortness of breath, headache, or new loss of taste or smell.
  - 4. “Communal living arrangement” means an establishment, operated in whole or part by a business where the business houses multiple seasonal workers working for the business. Communal living arrangements are not considered “residential dwellings” for the purposes of Part 7 of this Subchapter.
  - 5. “Covered entity” means any person, business, state agency, political subdivision of the State, non-profit organization, school, religious institution, public or private park or beach, or campground.
  - 6. "Department" means the Rhode Island Department of Health.

7. "Director" means the Director of the Rhode Island Department of Health or his or her agents or subordinates to whom the Director has delegated the powers and duties vested in the Director by these regulations.
8. "Establishment" means a physical location operated in whole or party by any Covered Entity or any place of public gathering. For purposes of this definition, a residential dwelling, or any portion of an establishment used exclusively as a residential dwelling (such as an apartment in an apartment building), is not deemed an establishment.
9. "Hot spot" means a location identified by the Department where there is (a) a significantly elevated number of COVID-19 suspect or positive cases or (b) a significant number or severe violations of these regulations.
10. "Social distancing" means the practice of keeping space between oneself and others when outside of the home in order to restrict the spread of infectious disease. The practice of social distancing, also known as physical distancing, involves:
  - a. staying at least six (6) feet (two (2) meters) from people outside the same household unless separated by a physical barrier that prevents individuals from having direct contact and contact with any droplets from another individual's coughing, sneezing or talking;
  - b. not gathering in groups;
  - c. staying out of crowded places; and
  - d. avoiding mass gatherings.
10. "Resident" means a seasonal worker who is lodging in a communal living arrangement.
11. "Seasonal worker" means a worker or employee who is hired into a position for which the customary annual employment is six months or less.

### **9.3 Communal Living Requirements**

Notwithstanding any other provisions of this Part, all seasonal, business-sponsored, communal living arrangements must comply with Part 7 of this Subchapter, Safe Activities by Covered Entities During the COVID-19 Emergency. In addition to the requirements in Part 7 of this Subchapter, the following bathroom, common space, laundry, trash removal, bedrooms, and health check procedures must be adhered to.

#### **9.3.1 Bathrooms in Communal Living Arrangements**

- A. Bathrooms are required to be cleaned by the employer at least once a day with an EPA-registered disinfectant.
- B. Bathrooms must have, at all times:
  1. Soap; and

- 2. Paper towels or automatic hand dryers.
- C. Posters describing and/or depicting proper hand hygiene must be hung in bathrooms.
- D. Residents must be notified in writing: "Sinks and nearby countertops are potential infection sources. You should not put your toothbrushes or other personal items directly on these surfaces."

### **9.3.2 Common Spaces in Communal Living Arrangements**

- A. Communal living arrangements are required to limit the number of persons allowed in common spaces at one time, such as the kitchen and dining room, so that social distancing between individuals can be achieved. Alternatively, common areas may be closed; provided, however, that kitchens, bathrooms, and laundry rooms must remain available to residents.
- B. Residents are prohibited from sharing dishes, drinking glasses, cups, or eating utensils. Any non-disposable food service items must be washed with dish soap and hot water or in a dishwasher.
- C. Proper sanitization of shared cooking utensils (such as knives, ladles, spatulas) and shared appliances (such as stoves, microwaves, and refrigerators, etc.) is required. The communal living arrangement must supply the sanitization product.
- D. Individuals are required to wash their hands after handling used food service items.
- E. If in use, common areas must be cleaned at least once a day with an EPA-registered disinfectant.
- E. The business is required to provide adequate storage for each individual's necessary reusable personal protective equipment (PPE), such as work gloves, coveralls, safety glasses, boots, etc.

### **9.3.3 Laundry in Communal Living Arrangements**

- A. The business must provide residents access to adequate laundry supplies.
- B. Laundry rooms must be cleaned by the business at least once a day with an EPA-registered disinfectant.

### **9.3.4 Trash Removal in Communal Living Arrangements**

Trash receptacles in all rooms must be emptied by the business at least once per day.

### **9.3.5 Bedrooms and Sleeping Quarters in Communal Living Arrangements**

The business shall ensure that bedrooms and sleeping quarters are configured to maximize physical distancing between individuals.

### **9.3.6 Health Checks, Isolation, and Quarantine for Residents**

- A. The business must conduct a daily health check for every resident. The health check includes, but is not limited to, the screening questions outlined in § 7.4.1(A)(2) of this Subchapter.
- B. Health checks must be carried out in a manner that prevents persons from congregating in large crowds.
- C. The business must accommodate residents who:
  - 1. Must self-isolate, as required by Executive Order 20-20, after having been clinically diagnosed with COVID-19 by a licensed health care practitioner by assessment of symptoms or by laboratory testing; and
  - 2. Must self-quarantine, as required by Executive Order 20-20, after having been in known close contact (within six (6) feet) with a person who has been clinically diagnosed with COVID-19 by a licensed health care practitioner by assessment of symptoms or by laboratory testing and who has been contacted by the Department of Health to inform them that they were a close contact with a confirmed positive case must immediately self-quarantine for fourteen (14) days following that contact.
- D. The business must have an Isolation and Quarantine Plan to accommodate residents who present with or develop symptoms of COVID-19 or have COVID-19. The Isolation and Quarantine Plan must address the following:
  - 1. § 9.3.6(C) of this Part, above; and
  - 2. Limiting the number of persons who interact with residents in self-isolation or self-quarantine to providing food, medications, supplies and/or other necessary assistance.
- E. The business shall be required to take physical and/or logistical steps to assist a resident to access the healthcare system, including transportation to and from healthcare facilities, for COVID-19 related testing and care.
- F. To the extent a business receives information relative to COVID-19 screening, symptoms, and test results of its residents, such business must treat such information in accordance with all applicable state and federal law.

### **9.3.7 Visitors and Other Individuals**

All non-residents entering the communal living establishment must be screened in accordance with § 7.4.1(A)(2) of this Subchapter.

## **9.4 Closure of Communal Living Arrangements**

If the Director determines that there exists a hot spot which requires immediate action to protect the health, welfare, or safety of the public or any member of the public, the Director may issue an immediate compliance order, as provided for in R.I. Gen. Laws § 23-1-21, effecting closure until such time as the violation has been remedied, to the satisfaction of the Director. Such remedy shall be in addition to any other penalty that may be prescribed by law.

## 9.5 Enforcement

### A. Inspections

1. The Department and its authorized representatives may enter and inspect any establishment's premises in a reasonable manner, including, without limitation, all equipment, materials, containers, records, processes and controls, in order to ascertain compliance with these regulations, any applicable Executive Orders, and the Act.
2. The Department may coordinate with or delegate to law enforcement and/or other state or federal agencies to conduct inspections hereunder.

### B. Penalties

1. The Department may take any combination of the following actions against an establishment for violation of these regulations, any applicable Executive Order, and/or the Act:
  - a. Issue a compliance order;
  - b. If immediate action to protect the health, welfare, or safety of the public or any member of the public is required, issue an immediate compliance order pursuant to § 8.4 of this Part;
  - c. Levy a civil penalty in accordance with § 8.5(C) of this Part; and/or
  - d. Take any other action authorized by these regulations, the Act or other applicable law.

### C. Civil Penalties

1. The Department adopts the following schedule of civil penalties with respect to violations of these regulations and any applicable Executive Order.

Violation	Civil Penalty per Violation. Multiple violations may be assessed, if warranted, at any establishment. Each day's failure to comply will constitute a separate offense.
Any violation	<p>A. The civil penalty for a first violation shall be not more than one hundred dollars (\$100).</p> <p>B. The civil penalty for a second violation shall be not more than two hundred fifty dollars (\$250).</p> <p>C. The civil penalty for a third or subsequent violation shall be not more than five hundred dollars (\$500).</p>
Any violation of a compl	<p>A. The civil penalty for a first violation shall be not more than two hundred dollars (\$200).</p>

<p>iance order</p>	<p>B. The civil penalty for a second violation shall be not more than five hundred dollars (\$500).</p> <p>C. The civil penalty for a third or subsequent violation shall be not more than one thousand (\$1,000).</p>
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- D. All hearings and reviews required under the provisions of R.I. Gen. Laws Chapter 23-1 shall be held in accordance with the provisions of the Act and the rules and regulations regarding Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title).
- E. Administrative action including civil penalties imposed by the Department on account of violations hereunder are in addition to any criminal penalties provided for under applicable law.

**9.6 Severability**

- A. If any provision of these regulations, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of the regulations which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.