

216-RICR-20-15-9

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 20 – COMMUNITY HEALTH

SUBCHAPTER 15 - INFORMATION FOR HEALTH CARE PROFESSIONALS

PART 9 – Requirement for Protection Against COVID-19 for Health Care Workers in Licensed Health Care Facilities

9.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1 and 23-1-17 and are established for the purpose of requiring health care workers to be vaccinated against COVID-19 or to wear medical grade N95 masks while working in health care facilities.

9.2 Definitions

A. Wherever used in these Regulations, the following terms shall be construed as follows:

1. “Department” means the Rhode Island Department of Health.
2. "Direct patient contact" means any routinely anticipated face-to-face interaction with patients in a health care facility.
3. “Director” means the Director of the Rhode Island Department of Health or his or her designee.
4. “Health care facility” means a facility as defined in R.I. Gen. Laws § 23-17-2(9), as well as assisted living residences, as defined in R.I. Gen. Laws § 23-17.4.-2(4), adult daycare programs, as defined in R.I. Gen. Laws § 23-1-52, and stations, as defined in R.I. Gen. Laws § 23-16.2-2.
5. “Health care worker” means any person who (A)(i) is temporarily or permanently employed by a health care facility, (ii) serves as a volunteer in a health care facility, or (iii) is compensated by a third (3rd) party that has an agreement with the health care facility to provide staffing services, and (B) has or may have direct patient contact in that health care facility. This may include, but not be limited to, a physician, physician assistant, nurse, nursing assistant, therapist, technician, clinician, behavioral analyst, social worker, occupational, physical or speech therapist, phlebotomist, emergency medical service personnel, dental personnel, pharmacist, laboratory personnel, autopsy personnel, students and trainees, contractual staff not employed by the health-care facility; other

health care providers, including those who have privileges at, but are not employed by, the health care facility; and persons (e.g., clerical, dietary, housekeeping, laundry, security, maintenance, administrative, billing, and volunteers) not directly involved in patient care but potentially exposed to infectious agents that can be transmitted from person to person. This term shall not apply to a patient's family member or friend who visits or otherwise assists in the care of that patient in a health care facility.

6. "Up to date" means a person has received all recommended doses of a COVID-19 vaccine, including any booster dose(s), when eligible.

9.3 General Requirements

- A. It shall be the responsibility of the administrative head, or his or her designee, of any health care facility to secure compliance with these Regulations.
- B. Each health care facility shall develop policies, procedures, and/or protocols for compliance with the requirements described in these Regulations.
- C. Transient employees or outside contractors, who are not involved in direct patient contact and are not potentially exposed in the course of employment to infectious agents that can be transmitted from person to person, are exempt from the requirements stated in these Regulations.
- D. With respect to SARS-CoV-2 (COVID-19) vaccination, a health care worker shall:
 1. Be up to date with all CDC recommended doses of FDA-approved or -authorized COVID-19 vaccine (e.g., Moderna, Pfizer, or Johnson & Johnson) or have received all recommended dose(s) of another COVID-19 vaccine approved by the Department (e.g., Novavax); or
 2. Wear a medical grade N95 mask at each health care facility where he or she is employed or volunteering, or with which he or she is compensated by a third (3rd) party which has an agreement with the health care facility to provide staffing services during a period in which the COVID-19 prevalence rate in the State is greater than or equal to fifty (50) cases per one hundred thousand (100,000) people per week, as reported by the Department.
- E. Each health care facility shall provide, at no financial charge, an adequate supply of medical masks or higher-grade masks (e.g., N95) to any health care worker.

9.3.1 Documentation

- A. Each health care facility shall ensure the documentation in its internal records of the COVID-19 immunization status of its health care workers. With such documentation, each health care facility shall additionally maintain documentary proof of COVID-19 vaccination. Documentation of status and proof of

vaccination, including month, day and year of vaccine administration shall be made available to the Department upon request.

- B. Health care facility and/or health care worker must provide documentation of immunization to the Department upon request.

9.4 Violations

- A. Health care facilities and health care workers that violate any provision of this Part are subject to administrative action by the Department, and any other action provided for under applicable law and Regulations, including R.I. Gen. Laws § 23-1-25, in addition to any action against the professional and/or facility license, as applicable.
- B. Health care facilities shall have seven (7) days from the promulgation of this Part to implement measures necessary to ensure compliance with applicable requirements.

9.5 Severability

If any provision of these Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of these Regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

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