



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

**IN THE MATTER OF:
Medical Office of Anthony Farina, Jr, MD
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 20-50 ("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 the Medical Office of Anthony Farina, Jr., MD ("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."

GROUND'S FOR DETERMINATION VIOLATIONS

- I. Respondent is a medical practice located at 1830 Mineral Springs Avenue, in North 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 July 16, 2020, a Task Force inspector met with Respondent Anthony Farina, Jr., and conducted a Healthy Environment inspection of Respondent based on the Safe Regulations. Pursuant to the inspection, it was apparent to the inspector that Respondent was unaware of the Safe Regulations and other rules, regulations, and guidance relative to the re-opening of Rhode Island, and unaware of Respondent's obligations thereunder.
- IV. The inspector determined that Respondent was not in compliance with applicable Executive Orders and/or the Safe Regulations. Accordingly, the inspector educated Respondent on how to remedy the violations. 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.
- 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 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 July 16, 2020 inspection:

- 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 five employees inside the establishment during the inspection. One of the five employees was not wearing cloth face coverings when the inspector arrived, despite the fact that physical distancing was observed by the inspector to be impossible for any of the employees to maintain. Three of the five were wearing a cloth face covering, but improperly so. Once the employees realized that the inspector was from the Department of Health, they all put face coverings on appropriately.

- II. Respondent is in violation of Section 7.4.1(A)(1), which requires every covered entity to develop and maintain a written plan for the safe operation of its establishment with regard to COVID-19 during the state of emergency (“Plan”) and to make this plan available to RIDOH upon request. Pursuant to Section 7.4.1(A)(1)(f), the plan must address, among other things, coordinating with RIDOH regarding any potential hot spot investigation, including the designation of a point of contact who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow-up. Although Respondent identified himself as the point of contact, as stated, above, it was apparent to the inspector that Respondent was unaware of the Safe Regulations, Executive Orders, or other rules, regulations, and guidance relative to the re-opening of Rhode Island, and unaware of Respondent’s obligations thereunder. Respondent admitted that it did not have a Plan and that Respondent was unaware of its obligation to develop and maintain a Plan.
- III. 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. Although it did appear that environmental cleaning was taking place, there were no logs available to support this contention.

- IV. 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 several patients in line, none of which were screened by staff.
- V. 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 social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by the Department. The inspectors observed that required posters were absent from the entry to the establishment and concluded that, consistent with Respondent’s lack of awareness relative to its obligations under the Safe Regulations, Respondent failed to ensure the placement of required posters.
- VI. Respondent is in violation of Section 7.3(A) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain physical distancing at all times, to the extent feasible, and Section 7.4.1(A)(1)(a), which, by extension, requires covered entities to address physical distancing in their establishments. As stated above, the inspector observed the employees not wearing cloth face coverings despite being unable to maintain physical distancing. The inspector also observed that the waiting room remained set up to accommodate the maximum number of occupants, with seats set up side by side, there being no evidence of precautions taken to

maintain physical distancing among patients in the waiting room, employees sitting side by side, and chairs to close to the window for patients. Although waiting patients did have appropriate distancing, it was by their own doing and not that of the Respondent.

ORDER

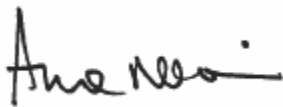
It is hereby **ORDERED**, that Respondent is immediately closed until such time as the following violations are remedied to the satisfaction of the Director of RIDOH:

- 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. In accordance with Section 7.4.1(A)(1) of the Safe Regulations, Respondent shall develop and maintain a plan for the safe operation of the establishment, which plan shall be made available to RIDOH upon request. Consistent with the required elements of the plan, Respondent shall address, among other things, physical distancing within the establishment and shall designate a point of contact, familiarized with the Executive Orders and Safe Regulations, who will work with RIDOH on testing, contact tracing, case investigation and quarantine follow-up.

- VI. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and shall clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles, and railings in accordance with CDC guidance. Respondent shall maintain records documenting such cleaning.
- VII. 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.
- VIII. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- IX. Respondent shall ensure that physical distancing measures are in place and is maintained at all times, to the extent feasible.

Failure to comply with this ORDER may result in the imposition of civil penalties and/or any other action authorized by applicable law or regulation.

Entered this 17th day of July 2020.



for

Nicole Alexander-Scott, MD, MPH
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