

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH**

**NICOLE ALEXANDER-SCOTT, M.D., M.P.H.,
IN HER CAPACITY AS DIRECTOR OF THE
RHODE ISLAND DEPARTMENT OF HEALTH**

**IN THE MATTER OF:
JUSTINA NAILS AND SPA (LICENSE NO. MSH01708)**

NOTICE OF VIOLATIONS AND COMPLIANCE ORDER

Now comes the Director (the “Director”) of the Rhode Island Department of Health (“RIDOH”) and, pursuant to R. I. Gen. Laws § 23-1-20, determines there are reasonable grounds to believe Justina Nails and Spa, License No. MSH01708 (“Respondent”) is in violation of law, rule, or regulation administered by her, and provides hereby the Notice of Violations and Compliance Order (the “Notice”).

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATIONS

1. That Respondent is a licensed “manicuring shop” under R. I. Gen. Laws §§ 5-10-1 *et seq.* (the “Manicuring Practice Act”), with last known business address of 742 Hope Street, Providence, RI 02906.
2. That on or about December 4, 2019, RIDOH investigation staff conducted an inspection of Respondent. The RIDOH inspector was greeted by Employee 1, who was giving a pedicure to a client. When the inspector arrived, several other staff had been providing services; however, they quickly exited the establishment upon being made aware of the purpose of the inspector’s visit. The RIDOH inspector requested copies of licenses from Employee 1 for the service providers who had left the premises, and was informed that Employee 1 did not have access to those documents but that she would pass along the message to the staff members when they returned. The RIDOH inspector followed up with Respondent via e-mail on two occasions, but Respondent never supplied her with copies of staff members licenses or any other supporting documentation that would verify that Respondent’s service providers were licensed by RIDOH, as required by §§ 5-10-10(c) or 5-10-7, respectively.
3. That on or about December 4, 2019, the RIDOH inspector asked to see Employee 1’s manicurist license, as she is required to carry with her under § 5-10-10(c) of the

Manicuring Practice Act, but was told that she did not have the license with her — the inspector requested that Employee 1 follow-up with her by submitting a copy of her license to the inspector, but no such copy was ever received. As a result of the inspection and failure to follow-up, the RIDOH inspector could not verify that any of Respondent’s staff members were licensed to practice manicuring in Rhode Island, nor did she see copies of any manicurist licenses during the inspection, as required by statute.

4. That while the violations in Paragraphs 2 and 3 above would typically be considered personal to the individual licensee, RIDOH finds systemic and establishment-wide infractions when few or none of the workers at a particular establishment are appropriately licensed; such is the case for Respondent.
5. That further, on or about December 4, 2019, the RIDOH inspector noted environmental maintenance and sanitation violations of 216-RICR-40-05-4, the Rules and Regulations pertaining to Barbers, Cosmeticians/Hairdressers, Estheticians, and Instructors (the “Manicuring Rules”), including: (a) latex glove use failed to conform to regulatory protocols (§ 4.7.1(D)(1)); (b) trash receptacles were uncovered (§ 4.7.6(B)(3)); (c) implements were not stored properly to prevent recontamination (§§ 4.7.6(B)(7) and (8)); (d) implements were not in an EPA-approved disinfectant (§§ 4.7.6(B)(7) and (8)); (e) lack of single-use applicators and product dispensers (§ 4.7.6(B)(15)); and (f) acrylic monomer containing methyl methacrylate, known as MMA, found on the premises and in use (§ 4.7.6(B)(17)).

COUNT ONE

RIDOH deems Respondent’s conduct, as described in Paragraphs 2 - 4 above, as sufficient cause to take action against Respondent’s license as permitted under § 5-10-26 of the Manicuring Practice Act.

COUNT TWO

RIDOH finds Respondent’s conduct, as described in Paragraph 5(a) above, to have violated § 4.7.1(D)(1) of the Manicuring Rules and, therefore, to represent a “failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring” as set forth in § 5-10-26 of the Manicuring Practice Act.

COUNT THREE

RIDOH finds Respondent's conduct, as described in Paragraph 5(b) above, to have violated § 4.7.6(B)(3) of the Manicuring Rules and, therefore, to represent a "failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring" as set forth in § 5-10-26 of the Manicuring Practice Act.

COUNT FOUR

RIDOH finds Respondent's conduct, as described in Paragraph 5(c) above, to have violated §§ 4.7.6(B)(7) and (8) of the Manicuring Rules and, therefore, to represent a "failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring" as set forth in § 5-10-26 of the Manicuring Practice Act.

COUNT FIVE

RIDOH finds Respondent's conduct, as described in Paragraph 5(d) above, to have violated §§ 4.7.6(B)(7) and (8) of the Manicuring Rules and, therefore, to represent a "failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring" as set forth in § 5-10-26 of the Manicuring Practice Act.

COUNT SIX

RIDOH finds Respondent's conduct, as described in Paragraph 5(e) above, to have violated § 4.7.6(B)(15) of the Manicuring Rules and, therefore, to represent a "failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring" as set forth in § 5-10-26 of the Manicuring Practice Act.

COUNT SEVEN

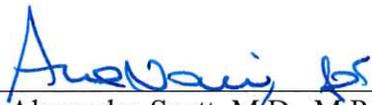
RIDOH finds Respondent's conduct, as described in Paragraph 5(f) above, to have violated § 4.7.6(B)(17) of the Manicuring Rules and, therefore, to represent a "failure to comply with any rules or regulations...that the division adopts for the sanitation, regulation, and the control of the practice of ...manicuring" as set forth in § 5-10-26 of the Manicuring Practice Act.

ORDER

Upon determination as set forth above, Respondent shall:

6. Come into compliance with the sections of the Manicuring Practice Act and the Manicuring Rules cited above, including, but not limited to, by: (a)(i) requiring that all staff comply with Rhode Island law, which mandates that persons providing manicuring services must be licensed by RIDOH, and apply for licensure with RIDOH to practice manicuring, and (ii) terminating staff members who, on or before ten days of service of this Notice, do not possess the appropriate professional license to practice manicuring in Rhode Island or have not applied to be so licensed; and (b) addressing and correcting the matters of environmental maintenance and sanitation enumerated in Paragraph 5 above.
7. Ensure the compliance recounted in Paragraph 6 takes place on or before ten days of service of this Notice.

Entered this 22nd day of September, 2020



Nicole Alexander-Scott, M.D., M.P.H.
Director of Health
Rhode Island Department of Health
Cannon Building, Room 401
Three Capitol Hill
Providence, RI 02908

A written request for a hearing may be filed with the Director within ten days of this Notice.

CERTIFICATION OF SERVICE

A copy of this Notice was mailed to Respondent c/o Justina Nails and Spa, 742 Hope Street, Providence, RI 02906 by the undersigned on this 22nd day of September, 2020.



J. Michel MARTINEAU