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:
PARK AVE NAILS
LICENSE NO. MSH00392

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 Park Ave Nails, License No. MSH00392 ("Respondent") is in violation of law, rule, or regulation administered by her, and provides hereby this Notice of Violations and Compliance Order (this "Notice").

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATIONS

1. Respondent is a licensed manicuring shop with the last known business address of 629A Park Avenue, Cranston, RI 02910.
2. On or about March 3, 2020, RIDOH investigation staff conducted an inspection of Respondent. The RIDOH inspector recorded numerous violations of 216-RICR-40-05-4 (the "Manicuring Regulations"), which provide for the sanitation, regulation, and control of the practice of manicuring, including, but not limited to: (a) active licenses for staff providing services could not be produced (§ 4.7.1); (b) required licenses were not in view (§ 4.7.1(C)); (c) sink for handwashing lacked soap and paper towels (§ 4.7.7(B)(1)); (d) proper single-use cosmetic applicators were unavailable (§ 4.7.6(B)(15)); (e) covered receptacles for trash and linens were unavailable (§ 4.7.6(B)(3)); (f) latex glove protocol was not followed (§ 4.7.1(D)(1)); (g) mechanical and electrical equipment was not properly maintained (§ 4.7.7(C)(4)); (h) failure to comply with fire safety codes, building codes, zoning laws, OSHA standards (§ 4.7.7(A)); (i) lacked storage for implements to prevent recontaminations (§

4.7.7(B)(3)); (j) lacked proper use/storage of single-use items, including razors, cosmetics (§ 4.7.6(B); (k) failure to use EPA-approved disinfectant to clean brushes, scissors, tweezers, manicuring supplies (§ 4.7.6(B); and (l) failure to have a registered manager available (§ 4.7.5(A)).

COUNT ONE

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.1 of the Manicuring Regulations in Item 2(a) above.

COUNT TWO

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.1(C) of the Manicuring Regulations in Item 2(b) above.

COUNT THREE

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.7(B)(1)) of the Manicuring Regulations in Item 2(c) above.

COUNT FOUR

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.6(B)(15) of the Manicuring Regulations in Item 2(d) above.

COUNT FIVE

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.6(B)(3) of the Manicuring Regulations in Item 2(e) above.

COUNT SIX

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.1(D)(1) of the Manicuring Regulations in Item 2(f) above.

COUNT SEVEN

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.7(C)(4) of the Manicuring Regulations in Item 2(g) above.

COUNT EIGHT

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.7(A) of the Manicuring Regulations in Item 2(h) above.

COUNT NINE

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.7(B)(3) of the Manicuring Regulations in Item 2(i) above.

COUNT TEN

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.6(B); of the Manicuring Regulations in Item 2(j) above.

COUNT ELEVEN

Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating § 4.7.6(B); of the Manicuring Regulations in Item 2(k) above.

COUNT TWELVE

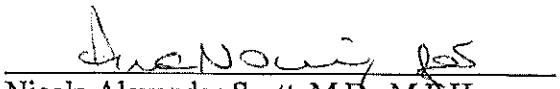
Respondent is in violation of R. I. Gen. Laws § 5-10-26, which allows RIDOH to sanction any person for "failure to comply with any rules or regulations, not contrary to law, that the division adopts for the sanitation, regulation, and control of the practice of ... manicuring," as a result of violating available 4.7.5(A) of the Manicuring Regulations in Item 2(l) above.

ORDER

Upon determination as set forth above, Respondent shall:

3. Come into compliance with the above-cited statutes and regulations noted in Counts One and Two above, by addressing and correcting the several matters of environmental maintenance and sanitation raised during the inspection, by requiring that all staff comply with Rhode Island's mandate that persons providing barbering services must be manicurists licensed in Rhode Island, and by terminating staff members who do not possess the appropriate professional license to provide barbering services and have not applied to be so licensed (or have so applied but lack the qualifications necessary for such licensure).
4. Ensure such compliance takes place on or before ten days of service of this Notice.

Entered this 18th day of August, 2020

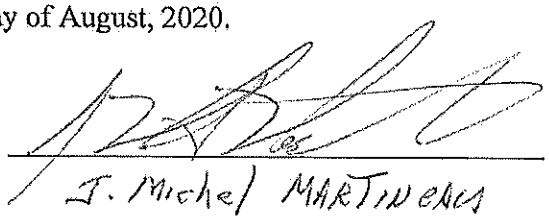


Nicole Alexander-Scott, M.D., M.P.H.
Director of Health
Rhode Island Department of Health
Cannon Building, Room 401
Three Capitol Hill
Providence, RI 02908

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 Park Ave Nails, 629A Park Avenue, Cranston, RI 02910 by the undersigned on this 18th day of August, 2020.



J. Michel MARTINEAU