

216-RICR-20-15-8

## TITLE 216 – DEPARTMENT OF HEALTH

### CHAPTER 20 – INFORMATION FOR HEALTH CARE PROFESSIONALS

#### SUBCHAPTER 15 - INFORMATION FOR HEALTH CARE PROFESSIONALS

##### PART 8 – REQUIREMENT FOR IMMUNIZATION AGAINST COVID-19 FOR ALL WORKERS IN LICENSED HEALTH CARE FACILITIES AND OTHER PRACTICING HEALTH CARE PROVIDERS

### 8.1 Authority

A. 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 and health care providers to be vaccinated against COVID-19.

### 8.2 Definitions

A. Wherever used in this Part, the terms listed below shall be construed in the following manner:

1. "COVID-19" means the new disease caused by novel coronavirus SARS-CoV-2.
2. "COVID-19 vaccine" means any vaccine against COVID-19 that is authorized by the U.S. Food and Drug Administration or World Health Organization.
3. "Department" or "RIDOH" means the Rhode Island Department of Health.
4. "Health care facility" means a facility as defined in R.I. Gen. Laws § 23-17-2(8), as well as assisted living residences, as defined in R.I. Gen. Laws § 23-17.4.-2(4), and adult daycare programs, as defined in R.I. Gen. Laws § 23-1-52, and clinical laboratories, as defined in R.I. Gen. Laws § 23-16.2-2(2) notwithstanding the provisions of R.I. Gen. Laws § 23-17-2(8).
5. "Health care worker" means any person who is temporarily or permanently employed by or at, or who serves as a volunteer in, or has an employment contract with, a health care facility, and has or may have direct contact with a patient 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 practitioner, 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, in the course of employment, 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. "Health care provider" means any person licensed by the Department to provide or otherwise lawfully providing health care services, including, but not limited to, a physician, dentist, nurse, optometrist, podiatrist, physical therapist, social worker, pharmacist, emergency medical service practitioner, or psychologist, provided such person is either directly involved in patient care or potentially exposed to infectious agents that can be transmitted from person to person.

7. "Vaccinated" means a person has received all recommended dose(s) of a COVID-19 vaccine authorized by the U.S. Food and Drug Administration (FDA) or World Health Organization or all recommended dose(s) of another COVID-19 vaccine approved by the Department (e.g., Novavax).

### **8.3 Requirement to be vaccinated against COVID-19**

A. In addition to complying with applicable state and federal laws or regulations, including any applicable standards published by the Occupational Safety and Health Administration (OSHA), all health care workers in licensed health care facilities and health care providers who are not vaccinated must, as applicable, comply with the following:

1. Until October 1, 2021, all health care workers who are not vaccinated shall be required to wear a procedure mask or higher-grade mask (e.g., KN95 or N95) in the course of their employment while inside a health care facility and shall be required to be tested at least two (2) times per week for COVID-19 via any COVID-19 test authorized by the FDA.

2. Until October 1, 2021, all health care providers who are not otherwise categorized as health care workers and who are not vaccinated shall be required to wear a procedure mask or higher-grade mask (e.g., KN95 or N95) in the course of their employment.

3. By October 1, 2021, all health care workers and health care providers must be vaccinated, subject to a medical exemption set forth in Section 8.3(D) of this Part.

B. Proof of vaccination must be entered into the Rhode Island Child and Adult Immunization Registry. Health care workers and health care providers who are vaccinated in Rhode Island will have this done automatically by the vaccination administrator. Health care workers and health care providers who are vaccinated outside of Rhode Island must complete the form available at <https://health.ri.gov/forms/records/COVID-Immunization-Record-Correction-Request.pdf> as proof of vaccination and email the completed form to [RIDOH.RICAIR@health.ri.gov](mailto:RIDOH.RICAIR@health.ri.gov).

C. As of October 1, 2021, health care facilities shall deny entrance to any health care workers who are not vaccinated, subject to a medical exemption set forth in § 8.3(D) of this Part.

D. No health care worker or health care provider shall be required to receive the COVID-19 vaccine if a medical exemption applies, but such individuals must continue to comply with the provisions of §§ 8.3(A)(1) and (2) of this Part.

1. A health care worker or health care provider shall be medically exempt from being required to be vaccinated provided that a licensed physician, physician assistant or advanced practice registered nurse signs a medical exemption stating that the health care worker or health care provider is exempt from the COVID-19 vaccine because of medical reasons, in accordance with Advisory Committee on Immunization Practices (ACIP) guidelines and determined as acceptable by the facility.

## **8.4 Violations**

A. Health care facilities and health care providers that violate any provisions 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. Health care facilities shall have seven (7) days from the promulgation of this Part to implement measures necessary to ensure compliance with health care worker testing requirements.

B. Each health care facility shall provide at no financial charge an adequate supply of procedure masks or higher-grade mask (e.g., KN95 or N95) to any health care worker and shall ensure the facility's compliance with § 8.3(A) of this Part, subject to a medical exemption set forth in § 8.3(D) of this Part.

## **8.5 Severability**

If any provision of these Regulations or the application thereof to any person or circumstance 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 severable.