

216-RICR-50-15-10

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 15 - HEALTHY ENVIRONMENT

PART 10 – INSTITUTIONS FOR HIGHER EDUCATION

**10.1 Authority**

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1 and 23-1-17 for the purpose of establishing criteria for conducting in-person learning during the COVID-19 pandemic at institutes of higher education (“IHEs”) beginning in January 2021.

**10.2 Definitions**

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

1. “Civil penalty” or “penalty” or “fine” means a monetary sum assessed by the Director pursuant to these regulations in response to a violation of, or a failure to comply with the Executive Orders.
2. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.
3. “Cloth face covering” means a protective article that covers the wearer’s mouth and nose.
4. "Department" or "RIDOH" means the Rhode Island Department of Health.
5. “Executive Order” or "EO" means any executive orders that concern quarantine, isolation, physical distancing, masking, social gathering restrictions, or sanitation measures designed to curb the spread of COVID-19.
6. "Institution of Higher Education" or "IHE" means Brown University, Bryant University, the Community College of Rhode Island, Johnson & Wales University, New England Institute of Technology, Providence College, Rhode Island College, Rhode Island School Design, Roger Williams University, Salve Regina University, or the University of Rhode Island.
7. “Isolation” means the separation of anyone clinically diagnosed with COVID-19 from people who are not sick.

8. "In-Person learning" means instruction where some or all instructors and students meet in the same physical space.
9. "Quarantine" means the separation and restriction of movement of anyone who has been exposed to COVID-19 to see if he or she becomes sick.
10. "Physical distancing" means the practice of keeping space between oneself and others when outside of the home in order to restrict the spread of infectious disease. The practice of physical distancing, also known as social distancing, involves:
  - a. staying at least six (6) feet from people outside the same household unless separated by a physical barrier that prevents individuals from having direct contact and contact with any droplets from another individual's coughing, sneezing or talking;
  - b. not gathering in groups;
  - c. staying out of crowded places; and
  - d. avoiding mass gatherings.

### **10.3 Initial Surveillance Testing**

Prior to returning to in-person learning, IHEs must conduct either initial surveillance testing as required by EO 21-04 and its successors or shall require each student to present a negative COVID-19 test taken within seventy-two (72) hours of arriving on campus.

### **10.4 Ongoing Surveillance Testing**

- A. All IHEs must develop an ongoing surveillance testing plan, to include, at a minimum of one (1) the following:
  1. Testing of the entire student population that is engaged in in-person learning and/or living on-campus at least once every two (2) weeks; or
  2. Implementation of an alternative surveillance plan, acceptable to the Department, that utilizes a stratified random sampling.
- B. All ongoing surveillance testing plans must be developed in conjunction with the RIDOH.
- C. Positive test results must be sent to RIDOH as soon as possible but no later than two (2) business days after receipt by the IHE. Recipients of BinaxNOW tests must utilize the RI BinaxNOW Result Reporting portal for all BinaxNOW test results once access and training is provided to the IHE.

## **10.5 Isolation and Quarantine Housing**

- A. Students that test positive for COVID-19 must isolate in accordance with applicable laws (e.g., statute, regulation or executive order). Students identified as close contacts of infected persons must quarantine in accordance with applicable laws.
- B. The IHE must provide isolation and quarantine housing for undergraduate students living in university housing and must demonstrate to RIDOH that it has access to reasonably sufficient isolation and quarantine housing to accommodate its undergraduate students prior to conducting in-person learning.
- C. The IHE must make reasonable efforts to provide appropriate and necessary support to undergraduate students required to isolate or quarantine in IHE-provided isolation and quarantine housing to enable those undergraduate students to comply with the State guidance regarding isolation and quarantine. Such support may include:
1. Transportation to isolation and quarantine housing;
  2. Basic medical and personal need support;
  3. Access to food and other necessities; and
  4. Daily monitoring and communication to ensure that undergraduate students are in compliance with isolation or quarantine requirements.
- D. Undergraduate students living in groups of two (2) or more (e.g., suites, apartments, houses, condos, etc.) may isolate or quarantine in existing housing if all roommates are simultaneously in either isolation or quarantine and:
1. The students do not share a kitchen or bathroom with others outside of their apartment/suite;
  2. No one in the household is, as determined by the IHE, at increased risk for severe illness from COVID-19; and
  3. In the case of quarantine, the IHE must inform all students in the household of the possibility of a longer duration of quarantine if anyone in the household develops COVID-19.
- E. Undergraduate students diagnosed with COVID-19 who are not co-infected with another illness may be housed together in isolation housing if necessary.

## **10.6 Case Identification and Contact Tracing**

A. All IHEs must have adequate administrative resources to report student cases of COVID-19 and close contacts of those students with COVID-19 to RIDOH within two (2) business days of identification in a manner approved by RIDOH.

1. All IHEs must have an adequate number of trained individuals for the purpose of conducting case identification and contact tracing.

a. The IHE and RIDOH will determine together the minimum number of individuals required to conduct case identification and contract tracing.

2. IHEs must provide training on and verification of compliance with all applicable federal and state privacy laws.

B. During case investigation interviews, the IHE will make reasonable efforts to request the following information from students, staff, and faculty:

1. Name;

2. Date of birth;

3. Physical address in Rhode Island, including zip code;

4. Email address;

5. Telephone number;

6. Symptomatic or asymptomatic status;

7. Isolation locations; and

8. The names and email addresses, and/or telephone numbers of any close contacts including non-IHE associated.

a. The IHE shall indicate if the close contact is a student, faculty, or staff at the IHE and tested through the IHE's testing program.

b. The IHE shall also indicate if the close contact is not associated with the IHE.

C. The IHE will make reasonable efforts to conduct contact tracing for all close contacts identified by the positive individual that are students, faculty or staff at the IHE. RIDOH will conduct contact tracing for all non-IHE-related close contacts.

## **10.7 In-Person Learning Spaces**

Students and faculty in traditional classrooms and auditoriums must be seated at least six (6) feet apart from one another during class sessions.

## **10.8 Compliance**

A. No IHE may commence in-person learning unless it provides a signed statement by an authorized representative of the IHE to RIDOH that the IHE reasonably believes that it can accomplish the following:

1. Implement surveillance testing (based on RIDOH's estimates);
2. Has adequate staff and resources (based on RIDOH's estimates) to implement case identification and contact tracing;
3. Provide sufficient quarantine and isolation housing for undergraduate students in need thereof (based on RIDOH estimates);
4. Support the medical and personal needs of undergraduate students in isolation or quarantine as provided in this Part;
5. Develop and implement a plan to train staff to respond to emergency mental health needs for students in isolation or quarantine; and
6. Document and provide all data related to COVID-19 testing of students, case investigation, contact tracing, quarantine and isolation, student housing, outbreak management, and mental health support.

B. Any IHE wishing to commence in person learning must also:

1. Implement or maintain codes of student conduct that include the potential for suspension or expulsion as potential penalties for violations of institutionally enacted rules regarding COVID-19, which shall be consistent and compliant with all applicable and relevant state-issued Executive Orders and Regulations;
2. Allow appropriate on-site inspections and review of metrics and data required by RIDOH; and
3. Provide any data related to COVID-19 testing of students, case investigation, contact tracing, quarantine and isolation, student housing, outbreak management, and mental health support to RIDOH in a manner specified by RIDOH upon request and in compliance with all applicable federal and state privacy laws.

C. Failure of an IHE to adhere to any executive orders and regulations regarding COVID-19 may result in an order of cessation of in-person learning for a period of time as appropriate under the circumstances.

D. A violation of these Regulations shall not serve as a basis for a private cause of action.

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Signed By

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**Department of State**

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Regulation Effective Date

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