

2021 AUG 26 PM 2: 14



**State of Rhode Island**

**Daniel J. McKee**  
Governor

**EXECUTIVE ORDER**

**21-91**

**August 26, 2021**

**HOSPITAL AND COMMUNITY-BASED HEALTH CARE**

**WHEREAS**, on March 9, 2020, Executive Order 20-02 was issued for a declaration of a state of emergency due to the dangers to health and life posed by COVID-19 and that Order has been extended to remain in effect until at least September 4, 2021;

**WHEREAS**, on August 19, 2021, I issued Executive Order 21-86 declaring a disaster emergency for new COVID-19 variants;

**WHEREAS**, there has been a consistent increase in COVID-19 hospitalizations and deaths since July 4, 2021 and RIDOH modeling data project, by the first few weeks of September, that the number of people in Rhode Island hospitals may exceed hospital capacity;

**WHEREAS**, the State has built and equipped an alternative hospital site in Cranston, operated by Kent Hospital which is available to provide hospital level care if needed; and

WHEREAS, all Rhode Island hospitals must remain capable of implementing the alternative plans they have on file with the Rhode Island Department of Health should rates of hospitalization increase.

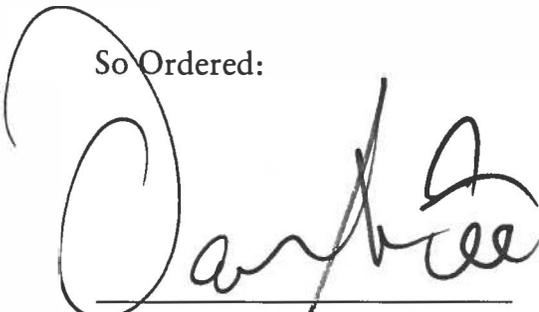
NOW THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, and Title 23, Chapter 8, do hereby order and direct the following:

1. The hospital facility licensing statutes and rules and certificate of need statutes and rules, as well as section 23-6-8 of the Rhode Island General Laws (requiring local authorization of a hospital or camp for communicable disease), are suspended with respect to Kent County Hospital solely to the extent the services it provides relate to the creation, maintenance, and/or decommissioning of the alternative hospital site at Sockanosset Road in Cranston; provided, however, that Kent County Hospital must promptly notify the Rhode Island Department of Health (RIDOH) of any actions taken that implicate the above-mentioned statutes and rules.
2. In coordination with the State's efforts in responding to the COVID-19 epidemic and new COVID-19 variants, particularly the Delta variant, the Cranston alternative hospital site shall continue to be operated by Kent County Hospital. Kent County Hospital, its agents and employees, insofar as they are involved in the care delivered at the Cranston alternative hospital site, are deemed to be "disaster response workers" entitled to immunity under section 30-15-15(a) of the Rhode Island General Laws.
3. Nothing in this Order provides immunity for:
  - a. Negligence of any person or organization not deemed and/or affirmed a disaster response worker in Section 2 above; or
  - b. Willful misconduct, gross negligence or bad faith, any and all of which are prohibited from being immunized under the provisions of section 30-15-15(a) of the Rhode Island General Laws.

4. The provisions of section 30-15-15(c) of the Rhode Island General Laws, treating disaster response workers as State employees for purposes of workers' compensation, are suspended with respect to any person recognized as a disaster response worker solely under this Order. The benefits of section 30-15-15(c) of the Rhode Island General Laws shall remain available to all other disaster response workers.
  
5. The immunity provisions of Section 2 apply to all acts covered therein that occurred during the pendency of this Executive Order.

This Executive Order shall remain in full force and effect until September 25, 2021, unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:



\_\_\_\_\_

Daniel J. McKee  
Governor