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MDHHS Orders McLaren Flint to comply with action to address Legionella risk

LANSING, Mich. – The Michigan Department of Health and Human Services (MDHHS) today issued an Order under the Public Health Code requiring McLaren Flint Hospital to immediately correct conditions in its facility to reduce the risk of future exposure to Legionella at the hospital.

Under the [Michigan Public Health Code](#), MDHHS has a duty “to prevent the spread of diseases and the existence of sources of contamination.” And the legislature has vested the Department with broad investigatory power to protect the public health. Further, in carrying out its statutory responsibilities, MDHHS may issue an order to “correct, at the owner’s expense, a building or condition which violates health laws or which the local health officer or director reasonably believes to be a nuisance, unsanitary condition, or cause of illness.”

“While we have attempted to work with McLaren Flint to address the ongoing health risk of healthcare-associated Legionella at its facility, we are issuing this Order today as a result of McLaren Flint’s insufficient response to our requests, as well as to request additional information regarding how they implemented the U.S. Centers for Disease Control and Prevention recommendations made in October and November 2016,” said MDHHS Director Nick Lyon.

As a result of MDHHS’ review of newly obtained documents, MDHHS has determined that McLaren Flint was working with Environmental Testing & Consulting (ETC) in November and December 2014 to test their water system. A letter sent from ETC to McLaren Flint on December 23, 2014 indicated that there was a problem with Legionella internal to the hospital’s water system, and not the City of Flint water supply.

McLaren Flint was associated with 21 Legionella cases in 2014, 29 cases in 2015, and two cases in 2016. McLaren Flint accounted for 52 out of 54 hospital healthcare-associated Legionella cases in Genesee County over this period, including 45 out of 46 inpatient healthcare-associated cases. Additionally, 10 of the 12 deaths in the 2014-2015 Legionella outbreak were McLaren Flint-associated.

While 2016 saw a marked reduction in McLaren Flint-associated Legionella pneumonia cases compared with 2014-2015, it remained the only healthcare facility with more than one inpatient-associated case during 2016 in the entire state.

In 2016, Genesee County had a total of 17 confirmed Legionella cases. Of the 17 confirmed Genesee County Legionella cases in 2016, two were associated with McLaren Flint. One of those cases was

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confirmed as recently as November 2016, after CDC recommendations were made to Genesee County Health Department and McLaren Flint in October and November 2016. This case, along with two 2015 cases, have been genetically linked to a Legionella isolate from a McLaren Flint environmental sample recovered by the CDC in August 2016.

MDHHS continues to review the 2016 confirmed Legionella cases in Genesee County and will take additional action as necessary to address any issues in the investigation and follow up of those cases.

As McLaren Flint has had sufficient time to implement the CDC recommendations for changes to its facility, systems, and procedures, today's Order requires McLaren Flint Hospital to immediately comply with the following as well as provide additional data and information. Beginning immediately:

- McLaren Flint will immediately implement all CDC recommendations contained in the CDC report initially released on October 7, 2016, and updated November 3, 2016;
- McLaren Flint must immediately amend its Water Management Plan to reflect the CDC recommendations and update it at a reasonable interval to reflect new or changing recommendations;
- A monitor will be appointed by the Department, at McLaren Flint's expense, to oversee compliance with the Water Management Plan and this order;
- MDHHS, with support from CDC, will conduct independent testing in parallel with McLaren Flint environmental sampling on an enhanced surveillance schedule;
- McLaren Flint Hospital must provide MDHHS a comprehensive description of the testing plan and all corresponding test results to ensure that the monitoring and sampling recommendations have been implemented;
- McLaren Flint Hospital will preserve isolates from all positive Legionella results from environmental testing in accordance with MDHHS, GCHD and CDC recommendations; and,
- McLaren Flint Hospital must cooperate with all requests for information from the Department related to Legionella, its water system, its infection control protocols, its water management plan, and all requests for information related to the Legionella outbreaks at that facility in 2014, 2015, and 2016.

McLaren Flint has consistently failed to provide sufficient information and documentation to verify the implementation of and compliance with the CDC's recommendations. From the limited data provided by McLaren, it was demonstrated that McLaren was not in compliance with the CDC's recommendations on frequency of hot water temperature testing, in violation of their Water Management Plan, as recently as December 2016.

The limited documentation supplied by McLaren Flint suggests that it has failed to begin cold water testing despite the CDC recommendations. The majority of the requested "raw" water parameter data has not been supplied in its original format for the period after August 2016, despite the CDC and MDHHS having raised serious concerns about McLaren Flint's implementation of its water management plan in this regard.

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