



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

RICK SNYDER
GOVERNOR

NICK LYON
DIRECTOR

January 11, 2017

Mark Valacak, MPH
Health Officer
Genesee County Health Department
630 Saginaw Street
Flint, MI 48502

VIA FACSIMILE AND EMAIL

Don Kooy
President/CEO
McLaren Flint
401 South Ballenger Hwy
Flint, MI 48532

Dear Mr. Valacak and Mr. Kooy:

Upon the Court of Appeals vacating the protective order on December 20, 2016, and in accord with its duties and responsibilities under the Public Health Code, the Michigan Department of Health and Human Services (DHHS) has diligently endeavored to investigate Legionnaires' disease in Genesee County. DHHS has learned the following:

- A team of Genesee County Health Department (GCHD) and CDC staff visited McLaren Flint and conducted an investigation between August 23 and 26, 2016.
- The team reviewed patient records collected by GCHD staff and discussed a patient's illness and medical care with infection control and risk management staff, and also gathered information on what type of exposures the patient had to water and where those occurred.
- The team also met with building managers and engineers from McLaren Flint and another facility to go over their facilities' water management plans, if available. An environmental assessment was performed which included taking water samples from various locations including the rooms where the patient had stayed.

Water was tested for *Legionella* and for disinfectant and temperature levels, which, if in a good range, can help prevent *Legionella* growth.

- The CDC and GCHD concluded that McLaren Flint had a comprehensive water management plan, but that some parts of the plan were not being followed, including that McLaren Flint was not checking disinfectant levels at points of use.
- On October 7, 2016, the CDC and GCHD jointly recommended that McLaren Flint's facility managers strengthen parts of their water management plan and improve their implementation.
- McLaren Flint provided comments on this report and made recommendations. The CDC updated the report to amend these recommendations and provided a letter to McLaren Flint regarding its suggested changes. The revised report still noted that the water management plan was not being followed and that the plan did not provide checks of disinfectant levels at points of water use by patients.
- The GCHD stated to the CDC that it would continue to track Legionnaires' disease in Genesee County, and, in collaboration with the CDC, investigate cases with links to healthcare settings or other buildings where susceptible people may be exposed to *Legionella*.
- On November 17, 2016, McLaren Flint manually entered a urinary antigen positive result for *Legionella* into the Michigan Disease Surveillance System (MDSS). The patient was at McLaren Flint from October 19 to November 4, 2016.
- On January 6, 2017, DHHS learned that the CDC had performed a genomic sequencing of samples taken from the patient and from water at McLaren Flint and that the samples matched, thus confirming that this patient's case of Legionnaires' disease was acquired at McLaren Flint.
- On January 8, 2017, DHHS learned that on November 22, 2016, the CDC expressed further concerns to the GCHD about McLaren Flint's water management program implementation in an email to GCHD Public Health Supervisor Suzanne Cupal:

"We could have misunderstood, but it sounded like they are still relying primarily on environmental culture and monochloramine residuals at return points to monitor their system. The consistent performance of real time monitoring of water parameters, including monochloramine [sic] residuals, at representative distal points of use (i.e., in patient rooms) is essential to fully understanding the health of the water system; variations in these parameters can be an indicator of changes or problems in the system that could potentially lead to growth and transmission of *Legionella*. Checking water parameters only at return points can be problematic because the represents [sic] an average, and thus potentially harmful deviations at individual points of use could be obscured."

- DHHS has further learned from the CDC that the water sample match to the **November 17, 2016** patient's sputum sample was actually taken by the CDC from McLaren Flint during the CDC's site visit in **August, 2016**.

On January 9, 2017 DHHS staff had multiple communications with GCHD staff to understand what GCHD staff had done insofar as assuring that McLaren Flint had appropriately followed up on GCHD and CDC recommendations to address the cited weaknesses in McLaren Flint's water management plan and to improve its own adherence to its own plan.

GCHD staff were unable to provide DHHS with any evidence that appropriate follow up action had occurred in response to the November 22, 2016 email from the CDC.

GCHD's lack of timely follow up in and of itself, requires DHHS to assure that McLaren Flint has taken appropriate measures to strengthen its water management plan. With the additional fact that the CDC has now confirmed that the November 17, 2016 case was acquired at McLaren Flint, it is now absolutely imperative.

We may require, at a minimum, that McLaren Flint and GCHD provide any and all environmental samples taken at McLaren Flint since the CDC site visit, as well as any other relevant records. Additionally, State of Michigan staff may need to conduct a site visit and access McLaren Flint. We expect your full cooperation, in accord with the pertinent provisions of the Public Health Code. Please contact Dr. Wells immediately in order to facilitate coordination of the response to these issues identified in this letter. Please understand that the State of Michigan is prepared to exercise any and all appropriate authority under the Public Health Code, including the issuance of an imminent danger order if deemed necessary. Thank you.

Sincerely,



Nick Lyon
Director



Eden Wells, M.D.
Chief Medical Executive