



Jeffrey A. Meyers
Commissioner

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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF LEGAL AND REGULATORY SERVICES
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ORDER TO NOTIFY GUESTS AND REMEDIATE BUIDING

TO: Mr. Tom Saab, Owner, The Sands Resort

ADDRESS: 32 Ashworth Avenue, Hampton, NH

The New Hampshire Department of Health and Human Services (“DHHS”) has identified an outbreak of Legionella among individuals who stayed at the Sands Resort, 32 Ashworth Avenue, Hampton, New Hampshire beginning in July 2018. Legionella is a communicable disease that may adversely impact public health. People may be exposed to Legionella when they inhale aerosolized water droplets containing bacteria. Legionella can grow in water systems in the premise plumbing of large buildings (hot water heaters, storage tanks, and pipes), cooling towers, air conditioning systems, decorative fountains and hot tubs. The “premise plumbing system” is the portion of the water distribution system from the water meter to the tap in homes and buildings.

In accordance with NH RSA 141-C:9, I, the Commissioner of DHHS may investigate incidents of communicable disease. These investigations shall include, but not be limited to, inspections of buildings and conveyances and their contents and laboratory analysis of samples collected during the course of such inspections. This week, a number of samples were collected from several locations at The Sands Resort by the Centers for Disease Control working in support of the Department’s investigation of a Legionella outbreak in Hampton. Additionally, pursuant to NH RSA 141-C:11-16, the Commissioner of DHHS may take actions necessary to protect public health, including the decontamination of your buildings at The Sands Resort. See RSA 141-C:16-a,I.

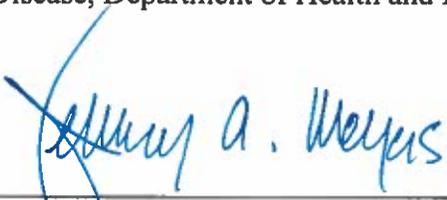
Whereas to date nine individuals who have stayed at your property since July 2018 have been diagnosed with Legionnaires' Disease, and whereas preliminary testing at the Centers for Disease Control and Prevention has detected the presence of Legionella bacteria DNA in your establishment's hot tub, water heater, outdoor shower hose, and on the shower/sink heads in three guest rooms, DHHS orders you to take the following actions:

1. Immediately post signage, to be provided by the Department, notifying guests and visitors of the Legionella outbreak occurring at your establishment. This signage must be visible to all persons at all entries to the premises and at the registration desk.
2. Immediately notify all guests at the time of check-in, using documents provided by the Department, of the Legionella outbreak occurring at your establishment. We suggest you retain documentation that each notification was made.
3. Immediately notify all guests at the time of reservation (all forms including phone, internet, and in-person), using documents and exact wording provided by the Department, of the Legionella outbreak occurring at your establishment.
4. Within 48 hours of this order, hire at your own expense the services of a Legionella consultant or environmental consulting firm to conduct an assessment and initiate remediation actions within 24 hours of hire.
5. Within 24 hours of hire, have an assessment performed by the consultant and provide the Department with a written summary of actions taken toward remediation at least every 48 hours.
6. Perform ongoing Legionella testing to confirm remediation and report results to the Department as they become available.

This order will be in effect until DHHS is satisfied with remediation steps at The Sands to decrease transmission of Legionella bacteria to the public.

If you object to this Order, you may request a hearing in the superior court in accordance with RSA 141-C:14-a. You may make this request by filling out the form attached to this Order. Once you have completed the form, the law enforcement official or other person who delivered this order or a representative of DHHS will promptly deliver the form to the Superior Court. The court will then schedule a hearing to review this order.

Questions regarding this order may be directed to Elizabeth Daly, Chief, Bureau of Infectious Disease, Department of Health and Human Services, Tel. 603-271-4927.



Jeffrey A. Meyers, Commissioner
New Hampshire Department of Health and Human Services

9/2/18 4:05 pm.
Date

I hereby certify that this order was served in-hand to the above-named individual and upon the establishment of The Sands Resort on

_____ at _____ a.m./p.m. _____
Signature of Person Serving Order

THE STATE OF NEW HAMPSHIRE

_____, SS
Name of County

SUPERIOR COURT

**REQUEST FOR SUPERIOR COURT HEARING UNDER RSA 141-C:14-a TO REVIEW
ORDER TO COOPERATE WITH THE ORDER TO NOTIFY GUESTS AND REMEDIATE
BUILDING**

Name: _____

Address: _____

Telephone Number: _____

NH RSA 141-C:14-a, I provides that: "Any person subject to an order for submission of a specimen or for examination, immunization, treatment, isolation, quarantine, **provision of information**, inspection of a building or conveyance, **or any other order** of the commissioner under this chapter ...may request a hearing in the superior court to contest such order."

My property, located at _____ is subject to an Order to Notify Guests and Remediate Building by the NH Department of Health and Human Services (DHHS) pursuant to RSA 141-C:12.

I hereby request a hearing in the superior court to contest this order.

I understand that I have the right to a hearing and a decision by the Court within 48 hours but no later than 120 hours after the time this request for a hearing is made.

I understand that if I sign this request and return it to the person serving the order, they must file it with the court under RSA 141-C:14-a, II. If I do not return it to the person serving me, I understand that I must file it with the court and provide notice to DHHS as provided below.

Signature of Person Requesting Hearing

Date and Time of Signature

I have served notice of this request for hearing on the Commissioner of the NH Department of Health and Human Services/Legal Unit, 129 Pleasant Street – Brown Building, Concord, NH 03301 and to the NH Department of Justice, 33 Capitol Street, Concord, NH 03301.

Date:

Signature of Person requesting hearing

TITLE X

PUBLIC HEALTH

CHAPTER 141-C

COMMUNICABLE DISEASE

Section 141-C:16-a

141-C:16-a Closure; Decontamination. –

I. The commissioner, with the written approval of the governor, may close, direct, and compel the evacuation and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health. The commissioner may also cause any material located within or on the grounds of a building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

II. Notice shall be made by posting notice on all means of ingress or egress of the building and, within 24 hours of posting, mailing the notice, return receipt requested, to the owner of record. The notice shall state the reason for the action and its anticipated duration.

III. Orders issued pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise. Any person who is aggrieved by an order pursuant to this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing, unless a shorter period is required for review. At the hearing, the burden of proof shall be on the commissioner to prove by clear and convincing evidence that the action taken is reasonably necessary to protect the health of the public.

IV. Orders issued under this section shall be subject to the due process provisions of RSA 141-C:14-a.

Source. 2002, 258:22. 2008, 336:1, eff. July 7, 2008.