

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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DIVISION OF INDUSTRY SERVICES

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www.wisconsin.gov

Tony Evers, Governor

Dan Hereth, Secretary



ORDER 0008168

NOTICE OF VIOLATIONS AND ORDERS

September 22, 2022

CSL West Bend LLC

2211 York Road Ste 222

Oak Brook IL 60523

SITE: Wing with memory care unit

831 E. Washington St.

West Bend, WI 53095

Parcel ID # 291_11191310024

Regulated Objects:

Nature of Complaint Summary: The Waterford of West Bend – Memory Care Unit Wing was found to have traces of legionella.

Object Type: Complaint (22 COM 110)

NOTE: Due to the uncertainty caused by COVID-19 the Department will extend compliance dates so long as work is being made on gaining compliance with orders or if the site is not being used due to restrictions.

INVESTIGATION NOTES: DSPS conducted an inspection to determine building code violations to assist DHS with their investigation into the presence of legionella in the water at the site.

The following violations were revealed:

1. **SPS 382.22 (2) EXISTING SYSTEMS.** (a) Except as specified in par. (b), any existing plumbing system may remain, and maintenance continue if the maintenance is in accordance with the original system design and any of the following: **(b)** When a hazard to life, health or property exists or is created by an existing system, that system shall be repaired or replaced.

Re: The inspection of the Memory Care Wing of the CBRF was a result of a DHS investigation related to a legionella incident.

2. **SPS 382.41(3)(e), 2.** Existing device or method which had been previously recognized to address cross connection concerns is to be removed or replaced.

Re: The existing “wafer” type check valve has been removed and reinstalled as a result of the annual fire suppression system testing. The Cross Connection Control Device serving the fire suppression system is non-compliant and is

required to be upgraded to comply with the most recent register of SPS 382. See also A-382.41(3) of the Appendix for Existing Fire Protection.

3. SPS 382.50(2) (b) Spouts and actions. The selection of spouts and actions on plumbing fixtures shall comply with this section and Table 382.50-1.

1. 'Spouts'. Lavatories and sinks accessible to patients shall have the water supply spout mounted so that its discharge point is a minimum distance of 5" above the flood level rim of the fixture.
2. 'Actions.' All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be equipped with valves that can be operated without the use of hands. Where wrist blade handles are used for this purpose, the handles shall not exceed 4 1/2" in length, except handles on scrub sinks and clinical sinks shall be no less than 6" long.

Re: Memory Care Wing only. See SPS 382.22(2)

4. SPS 382.41(3)(a)1. Potable water supply systems shall be protected against contamination due to cross connections or backflow conditions by one of the methods or devices specified in Table 382.41-1 or 382.41-2.

Re: Provide ASSE high hazard cross connection control assembly or ASME A112.18.3 water supply fitting or other acceptable means for spray hose per SPS 382.41(3)(a)1. Typical, various locations.

5. SPS 382.50(3)(b), 6. Hot water distribution systems shall be installed and maintained to provide bacterial control by one of the following methods:

- a. Water stored and circulation initiated at a minimum of 140 F and with a return of a minimum of 124 F.
- b. Water chlorinated at 2 mg/L residual.

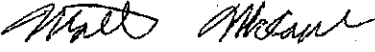
Re: A method of hot water disinfection is required for the hot water distribution system serving the memory care portion of the property, See SPS 382.22(2). Plan review of the chosen bacterial control method system is required prior to installation per SPS 382.20.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes pursuant to Wis. Stat. §145.02(3)(f) and Wis. Stat. § 101.11. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation.

If you have any questions regarding this matter, please feel free to contact me at the number listed below or Tony Martin at 608 576 4925.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland		
PHONE/WORK HOURS: (608) 266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:  DATE: 9/22/2022	INVESTIGATION SOURCE: Other	
	COMPLIANCE DATE: 12/7/2022	

cc: Mike McNally

Garry Krause

Tony Martin