



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

September 24, 2021

Abel Li, M.D., Owner
Central Washington Eye Clinic, PLLC
3902 Creekside Loop, Suite 110
Yakima, WA 98902

Sent via email: yl.cweye@gmail.com

RE: Determination of Reviewability #22-05 – Department’s Decision

Dr. Li:

The Department of Health has completed its review of the determination of reviewability request submitted by Central Washington Eye Clinic, PLLC (CWEC). The request proposes exemption from Certificate of Need review for the establishment of an ambulatory surgery center (ASC) in Renton, within King County following a relocation from its past location.

BACKGROUND AND FACTS

The following information was considered during the review process, and is recorded here for historical purposes:

- The applicant is Central Washington Eye Clinic, PLLC (CWEC)
 - CWEC is a Washington professional limited liability company with the unified business identifier [UBI] 602 240 044.
 - CWEC is currently owned¹ and governed by² its sole member³, Abel Li, M.D.
 - CWEC does not have and does not at this time require⁴ a license for the ASC from the Washington State Department of Health.
 - CWEC established the past facility when the change in ownership was determined exempt from certificate of need review⁵ on November 5, 2020.
 - CWEC was located at 4011 Talbot Road, Suite 210, Renton [98055] at the time of the past facility’s exemption.

¹ Amended and Restated Operating Agreement of Central Washington Eye Clinic, PLLC

² Washington Secretary of State [website](#), UBI 602 240 044

³ Amended and Restated Operating Agreement of Central Washington Eye Clinic, PLLC

⁴ In accordance with [Revised Code of Washington 70.230.040\(3\)](#)

⁵ Determination of Reviewability #21-06

- Once the relocation is complete:
 - Abel Li, M.D. will continue to own and operate both CWEC's clinical practice and surgery center to be located at 425 Southwest 41st Street, Renton, Washington [98057].
 - The use of the ASC will continue to be limited to member or employee-physicians of CWEC. Revenues or visits used to determine primary purpose have been limited to those members.
 - Clinical and surgical services to be provided at CWEC are not expected to change with once the facility is relocated and will continue to include ophthalmologic procedures.
 - CWEC will continue to have one operating room.⁶
- The relocation is expected to be complete in October 2021.

RELEVANT CRITERIA

The department reviews requests for compliance with the following:

- Applicable sections of both [Revised Code of Washington 70](#) and [Washington Administrative Code 246-310](#); and
- The [Washington State Department of Health's Interpretive Statement CN 01-18](#)⁷

THE PRIMARY PURPOSE OF THE FACILITY

- After the relocation, the anticipated revenue from surgical services provided at the 41st Street location will be approximately 29.41% of the total revenue generated by the facility. This percent is assumed based on the recent past owner's revenue data, CWEC's current practice, and 20 years of experience. This is a reasonable assumption since operations, services, patients, and credentialed employees are not expected to change once at the new location.
- After the relocation, the anticipated patient visits for surgical services provided at the 41st Street location will be approximately 9.33% of the total patient visits to the facility. This percent is assumed based on the recent past owner's visit data, CWEC's current practice, and 20 years of experience. This is a reasonable assumption since operations, services, patients, and credentialed employees are not expected to change once at the new location.

CONCLUSION

Based on the totality of information in the request for determination of reviewability and resulting research, the department concludes that the operation of Central Washington Eye Clinic, PLLC following the relocation of the facility from 4011 Talbot Road South, Suite 210A, Renton, Washington [98055] to 425 Southwest 41st Street, Renton, Washington [98057] does not require a Certificate of Need at this time.

⁶ For certificate of need purposes, operating and procedure rooms are both defined as operating rooms.

⁷ Approved by the Washington State Secretary of Health, John Wiesman, DrPH, MPH, effective January 19, 2018

CHANGES THAT MAY AFFECT THIS DECISION

A facility can make changes that may impact the primary purpose of the facility. Such as, if the revenues or patient visits related to surgical services begin to regularly exceed half of the facility's operations. Changes, including but not limited to the following, will likely either prompt Certificate of Need review or necessitate a new determination of reviewability:

- A change of ownership;
- Operational changes;
- Expansion of services;
- The addition of operating rooms;
- A change in location; or
- If the physicians or use of the facility change, resulting in different total revenues or visits.

APPEAL OPTION

This decision may be appealed. You or any person with standing may request an adjudicative proceeding to contest this decision within 28 calendar days from the date of this letter. The notice of appeal must be filed according to the provisions of Revised Code of Washington 34.05 and Washington Administrative Code 246-310-610. A request for an adjudicative proceeding must be received within the 28 days at one of the addresses listed on the following page.

Mailing Address:

Department of Health
Adjudicative Service Unit
Mail Stop 47879
Olympia, WA 98504-7879

Physical Address

Department of Health
Adjudicative Service Unit
111 Israel Road SE
Tumwater, WA 98501

If you have any questions or would like to arrange for a meeting to discuss this determination, please call (360) 236-2955.

Sincerely,



Eric Hernandez, Program Manager
Certificate of Need
Office of Community Health Systems