



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

September 29, 2014

Timothy Lehan, Clinical Manager
Sound Vascular, PS
922 South 348th Street
Federal Way, Washington 98003

RE: DOR #15-10

Dear Mr. Lehan:

The Department of Health has completed the review of your exemption request regarding the proposed ambulatory surgery center in Federal Way, within King County. Below is the information considered and the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your project.

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application received August 19, 2014
- Supplemental information received on September 5, 2014, and September 26, 2014
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Washington Secretary of State and Department of Revenue information obtained from the respective websites
- Department of Health external provider look-up
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- Certificate of Need historical files

FACTS CONSIDERED

- Sound Vascular Properties, LLC has been registered with the Washington State Secretary of State's office as a limited liability corporation since January 28, 2010. Department of Revenue shows registration since January 27, 2010. This corporation was established for real estate functions.
- Sound Vascular, PS has been registered with the Secretary of State's office as a professional services corporation since January 28, 2010, and the Department of Revenue since June 1, 2010.
- Sound Vascular, PS was established for purposes of a solo physician practice owned by Peter Gregory, MD.
- Currently, Sound Vascular PS has one practice site located at 922 South 348th in Federal Way, within King County.

- On or about December 31, 2014, Sound Vascular, PS intends to relocate the practice to a new site at 32014 – 32nd Avenue South in Federal Way [98003]. The new site would include the practice and proposes the establishment of an exempt ambulatory surgical center.
- Sound Vascular, PS has already completed a technical assistance review with the Department of Health’s Construction Review Services office for the new site.¹
- Within 30 days of relocation of the practice, the current site at 922 South 348th in Federal Way would no longer be operational under Sound Vascular, PS.
- The application identifies two physicians that would have access to the proposed ASC. The physicians are listed below.

Name	Credential Status	Practice Status
Peter C. Gregory	Active	Owner
Michael A. deGroot	Active	Employee

- The proposed ASC would be operated under the corporation of Sound Vascular, PS.
- Procedures to be performed at the ASC are those typically associated with vascular and vein procedures. A listing of most common procedures was provided in the application.
- The proposed ASC would not be operated under a management agreement.

CONCLUSION

Based on the totality of information considered, the department concludes the proposed ASC would be exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this proposed ASC are based on the facts about this facility and it should not be assumed the department would reach the same conclusion in future exemption requests for other future ASCs.

If changes are made in the operation or ownership of this proposed ASC, the ASC may no longer be eligible for this exemption. In that case, prior Certificate of Need review and approval or new exemption would be required. Examples of such changes include the following. This list is not intended to be all inclusive.

- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The provision of any procedure as identified under WAC 246-310-705(4).
- The ASC is operated under a management agreement.
- The ASC is organized as a separate legal entity from the practice.
- The ASC is moved to a different site than identified in the exemption application.
- Use of the ASC is extended to any physician who is not a member/owner or employed by Sound Vascular, PS.
- The ASC ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASC.

¹ CRS #60499023.

- The ASC or the practice is purchased or leased.
- ASC patients are routinely transferred from the ASC for observation care at one of the area's hospitals.

APPEAL OPTIONS

This decision may be appealed. The two appeal options are listed below.

Appeal Option 1:

You or any interested or affected person may request a public hearing to reconsider this decision. The request must state the specific reasons for reconsideration in accordance with Washington Administrative Code 246-310-560. A reconsideration request must be received within 28 calendar days from the date of the decision at one of the addresses below.

<u>Mailing Address:</u>	<u>Physical Address</u>
Department of Health Certificate of Need Program Mail Stop 47852 Olympia, WA 98504-7852	Department of Health Certificate of Need Program 111 Israel Road SE Tumwater, WA 98501


Appeal Option 2:

You 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.

<u>Mailing Address:</u>	<u>Physical Address</u>
Department of Health Adjudicative Service Unit Mail Stop 47879 Olympia, WA 98504-7879	Department of Health Adjudicative Service Unit 111 Israel Road SE Tumwater, WA 98501

If you have any questions, you can e-mail me at karen.nidermayer@doh.wa.gov or call me directly at (360) 236-2957.

Sincerely,


Karen Nidermayer, Analyst
Certificate of Need Program
Community Health Systems

cc: Department of Health, Investigations and Inspections Office
Department of Health, Construction Review Services