



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Certificate of Need Program
111 Israel Road Southeast – MS 4-7852
Olympia, Washington 98504

August 23, 2016

John J. Whitehead, MD
Northwest Glaucoma and Cataract Consultants, PLLC
1229 Madison Street, #1250
Seattle, Washington 98104

RE: Determination of Reviewability #17-02

Dear Dr. Whitehead:

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

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application received July 18, 2016
- Supplemental information received August 19, 2016
- 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

- On March 14, 2016, Northwest Glaucoma and Cataract Consultants, PLLC was established as a limited liability corporation with the Washington Secretary of State's office. The corporation is governed by one member: John J. Whitehead.¹ [source: Secretary of State website]
- Northwest Glaucoma and Cataract Consultants, PLLC has been registered with the Washington State Department of Revenue since May 1, 2016. [source: Department of Revenue website]

¹ The Washington Secretary of State website identifies another limited liability corporation known as Whitehead & Associates, LLC that is owned by John Whitehead [UBI#604016357]. However, the owner of Whitehead & Associates, LLC is not John J. Whitehead, the subject of this determination of reviewability.

- On November 2, 2004, Sound Eye and Laser, PS was established as an exempt ambulatory surgery center owned and operated by Stephen Phillips, MD.²
- On June 22, 2016, the assets of Sound Eye and Laser, PS were purchased by Northwest Glaucoma and Cataract Consultants, PLLC.³
- Northwest Glaucoma and Cataract Consultants, PLLC now owns one practice site located 1229 Madison Street, #1250 in Seattle [98104], within King County. The surgery center is located at the same address.
- The ASC will be operated under the practice corporation of Northwest Glaucoma and Cataract Consultants, PLLC.
- Only the sole owning physician, John J. Whitehead, will use the ASC. Future owners or employees may have access to the ASC.⁴ A table with specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status	Percent of Time
John Joseph Whitehead	Active	Member	100%

- The procedures proposed include those typically associated with eye surgery, such as cataract surgery, glaucoma surgery, and laser eye. A listing of common procedures is included in the exemption application.
- The ASC will not be operated as a separate legal entity from the Northwest Glaucoma and Cataract Consultants, PLLC practice.
- No management agreement is proposed.
- The surgery center is currently undergoing review through the Department of Health's Construction Review Services office. [CRS #60680908]
- On July 26, 2016, Northwest Glaucoma and Cataract Consultants, PLLC submitted its license application for the surgery center. [ASF #60685668]

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

² Determination of Reviewability #05-07.

³ Dr. Stephen Phillips retired.

⁴ Employed physicians must be employed by the Northwest Glaucoma and Cataract Consultants, PLLC practice a minimum of 75% and perform their full range of services through Northwest Glaucoma and Cataract Consultants, PLLC practice.

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 Northwest Glaucoma and Cataract Consultants, PLLC.
- Use of the ASC is extended to any physician that is an independent contractor.
- The ASC obtains a new or separate Medicare certification from the clinical practice.
- The ASC ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASC.
- 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 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 decision, please call me at (360) 236-2955.

Sincerely,



Janis Sigman, Manager
Certificate of Need Program
Community Health Systems

for