



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

May 4, 2018

Jacky Hong, RN
Washington Center for Pain Management, PLLC
155 Lilly Rd NE
Olympia, WA 98506

RE: Determination of Reviewability #18-02

Dear Ms. Hong:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery facility (ASF) in Olympia, within Thurston County. For the reasons stated below, the ambulatory surgery facility to be located at 155 Lilly Rd NE in Olympia [98506] and operating exclusively as an ASF on Thursdays and Fridays, from 8:00 am to 5:00 pm, for a total of 16 hours each week does not meet the definition of an ASF requiring a Certificate of Need. The same location will operate exclusively as a clinic on Mondays, Tuesdays, and Wednesdays from 8:00 am to 5:00 pm for a total of 28 hours.

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 August 16, 2017
- Supplemental information received December 6, 2017 and April 26, 2018
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Department of Health's Office of Community Health Systems Interpretive Statement #CN 01-18
- 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)
- Washington Center for Pain Management website: <https://www.washingtonpain.com/>
- Certificate of Need historical files

FACTS CONSIDERED

- Washington Center for Pain Management, PLLC has been registered with the Washington Secretary of State’s office since January 2007. The professional limited liability company is jointly owned by Hyun Hong, MD and Praveen Mambalam, MD.
- Washington Center for Pain Management, PLLC has been registered with the Department of Revenue since March 2012.
- With this application, Washington Center for Pain Management, PLLC intends to establish an ambulatory surgery facility (ASF) under the corporation.
- Washington Center for Pain Management, PLLC has practice locations in Everett, Edmonds, Bellevue, Renton, Puyallup, and Olympia.
- Washington Center for Pain Management, PLLC currently operates one CN-approved ASF in Bellevue.
- Washington Center for Pain Management has requested to operate an ASF as a part of their Olympia practice, located at 155 Lilly Road Northeast in Olympia, within Thurston County. The ASF and the clinical practice would share a location.
- The practice and ASF would be operated under the corporation and Unified Business Identifier [UBI] number of Washington Center for Pain Management, PLLC.¹
- Five physicians intend to use the ASF. Future owners or employees may have access to the surgery center. A table with specific physician credentialing information and practice association is in the table below.

Name	Credential Status	Practice Status	Percent of Time
Hyun Hong, MD	ACTIVE	Owner	100%
Praveen Mambalam, MD	ACTIVE	Owner	100%
Russell Kinder, MD	ACTIVE	Employee	100%
Alan Vo, DO	ACTIVE	Employee	100%
Yongyi Zhu, MD	ACTIVE	Employee	100%

- The proposed ASF would have two operating rooms.
- The procedures proposed at the surgery center include those typically associated with pain management. Examples include, but are not limited to: Medial Branch Blocks, Radiofrequency Ablations, Epidural Steroid Injections, Nerve Blocks, and Joint Injections.
- The ASF will not be operated as a separate legal entity from the Washington Center for Pain Management, PLLC practice.
- Hours of operation for the ASF are to be Thursdays and Fridays from 8:00am to 5:00pm, for a total of 16 hours each week. The clinic will be open from 8:00 am to 5:00 pm Mondays, Tuesdays, and Wednesdays for a total of 28 hours each week.
- No management agreement is proposed.

¹ Washington Center for Pain Management, PLLC’s UBI number is 602-684-926.

CONCLUSION

Based on the totality of information considered, the department concludes the proposed ASF would be exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this proposed ASF 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 ASFs.

CHANGES THAT MAY EFFECT THIS DECISION

If changes are made in the operation or ownership of this proposed ASF, the ASF 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.

- Changes in hours or days the site is used exclusively as an ASF.
- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The number of operating rooms increases beyond one.
- The scope of services is expanded beyond the services as identified in the Certificate of Need exemption application.
- The provision of any procedure as identified under WAC 246-310-705(4).
- The ASF is operated under a management agreement.
- The ASF is organized as a separate legal entity from the practice or obtains a separate UBI number from Washington Center for Pain Management, PLLC.
- The ASF is moved to a different site than identified in the exemption application.
- Use of the ASF is extended to any physician who is not a member/owner or employed by Washington Center for Pain Management, PLLC.²
- Use of the ASF is extended to any physician that is an independent contractor.
- The ASF obtains a new or separate Medicare certification from the clinical practice.
- The ASF ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASF.
- The ASF or the practice is purchased or leased.
- A joint venture is formed that includes the ASF.
- ASF patients are routinely transferred from the ASF 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.

² Employed physicians must be employed by Washington Center for Pain Management, PLLC a minimum of 75% and perform their full range of services through Washington Center for Pain Management, PLLC.

Jacky Hong, Washington Center for Pain Management
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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 our office at (360) 236-2955.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Tyson". The signature is fluid and cursive, with a large initial "N" and "T".

Nancy Tyson, Executive Director
Health Facilities and Certificate of Need
Community Health Systems