



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
*Olympia, Washington 98504*

January 25, 2022

Stephanie Brenden, CFO  
Northwest Orthopaedic Specialists, P.S.  
E-mail: [sbrenden@nwos-spokane.com](mailto:sbrenden@nwos-spokane.com)

**RE: Determination of Reviewability #22-13 – Department’s Decision**

Dear Ms. Brenden:

The Department of Health has completed its review of the determination of reviewability request submitted by Northwest Orthopaedic Specialists, P.S. The request proposes exemption from Certificate of Need review for the establishment of an ambulatory surgery center (ASC) in Spokane Valley, within Spokane County.

**BACKGROUND AND FACTS**

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

- Northwest Orthopaedic Specialists, P.S. is a Washington professional service corporation with the unified business identifier [UBI] 601 261 743.
- Northwest Orthopaedic Specialists, P.S. is currently owned and governed by the following twenty-six members<sup>1</sup>:

|                         |                    |                     |
|-------------------------|--------------------|---------------------|
| Patrick Lynch Jr        | Anthony Sestero    | Michael Kody        |
| Russell S. Vanderwilde  | Paul C Horn        | Vera H. Cheng       |
| Henry H. Lin            | Jonathan P. Keeve  | Brian J. Padrta     |
| Donald E. Ellingsen     | Joshua W. Dawley   | Timothy W. Powers   |
| Khalid Shirzad          | Matthew K. Wallace | Soren L. Olson      |
| Christopher G. Anderson | Kelly Jones        | Jessica Kohring     |
| Patrick Soto            | Robert Stewart     | Michael D. McDonald |
| Martin Janout           | John K. Shuster    | A. Kirk Reichard    |
| Tycho E. Kersten        | Brett Mulawka      |                     |

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<sup>1</sup> Washington Secretary of State [website](#)

- Northwest Orthopaedic Specialists, P.S. will own and operate both the clinical practice and surgery center at the following location: 12410 East Sinto Avenue in Spokane Valley [99216], within Spokane County.
- The use of the ASC will be limited to member or employee-physicians of Northwest Orthopaedic Specialists, P.S. Revenues or visits used to determine primary purpose have been limited to those members.
- Clinical and surgical services to be provided at Northwest Orthopaedic Specialists, P.S. will be limited to orthopedics and pain management.
- The surgery center will have two operating rooms.<sup>2</sup>

### **RELEVANT CRITERIA**

The department reviews requests for compliance with the following:

- Applicable sections of both [chapter 70.38 RCW](#) and [chapter 246-310 WAC](#); and
- The [Washington State Department of Health's Interpretive Statement CN 01-18](#)<sup>3</sup>

### **THE PRIMARY PURPOSE OF THE FACILITY**

- The anticipated revenue from surgical services provided at the surgery center will be approximately 32.6% of the total revenue generated by the facility.
- The anticipated patient visits for surgical services provided at the surgery center will be approximately 12.9% of the total patient visits to the facility.

### **CONCLUSION**

Based on the totality of information in the request for determination of reviewability and resulting research, the department concludes that the operation of Northwest Orthopaedic Specialists, P.S., to be located at 12410 East Sinto Avenue in Spokane Valley [99216], within Spokane County does not require a Certificate of Need at this time.

### **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

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<sup>2</sup> For certificate of need purposes, operating and procedure rooms are both defined as operating rooms.

<sup>3</sup> Approved by the Washington State Secretary of Health, John Wiesman, DrPH, MPH, effective January 19, 2018

- If the physicians or the use of the facility changes which results 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 chapter 34.05 RCW and WAC 246-310-610. A request for an adjudicative proceeding must be received within the 28 days at one of the following addresses.

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,



John Williams, Executive Director  
Office of Community Health Systems