



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

March 22, 2023

Emily R. Studebaker, ESQ  
11900 N.E. 1<sup>st</sup> Street, Suite 300  
Bellevue, WA 98005

*Sent via email: [estudebaker@studebakernault.com](mailto:estudebaker@studebakernault.com)*

**RE: Determination of Reviewability #23-09 – Department’s Decision**

Dear Ms. Studebaker:

The Department of Health has completed its review of the determination of reviewability request submitted for Elite Body Sculpture, PLLC (EBS). The request proposes exemption from Certificate of Need review for the addition of surgical services at an existing ambulatory surgery center (ASC) in Bellevue, within King County.

**BACKGROUND AND FACTS**

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

- EBS is a Washington professional limited liability company with the Unified Business Identifier [UBI] 604 516 110.
- EBS is currently owned and governed by one member, Aaron Rollins, MD.<sup>1</sup>
- EBS will own and operate both the clinical practice and surgery center at the following location: 500 108<sup>th</sup> Ave NE, Suite 1F2 Bellevue, WA [98004].
- The use of the ASC will be limited to member or employee-physicians of EBS. Revenues or visits used to determine primary purpose have been limited to those members.
- Clinical and surgical services to be provided at EBS will be limited to plastic surgery.
- The surgery center will have two operating rooms.<sup>2</sup>

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

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

### **RELEVANT CRITERIA**

The department reviews requests for compliance with the following:

- Applicable sections of both Revised Code of Washington 70.38 and Washington Administrative Code 246-310; 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 0% of the total revenue generated by the facility.<sup>4</sup>
- The anticipated patient visits for surgical services provided at the surgery center will be approximately 9.3% 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 Elite Body Sculpture, PLLC, to be located at 500 108<sup>th</sup> Ave NE, Suite 1F2, Bellevue, WA, [98004], within King 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
- 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 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 following addresses.

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

<sup>4</sup> *“Surgical revenue for this facility is \$0 because no surgical facility fees will be billed or received by Elite Body Sculpture for the services provided at the facility.”* [January 31, 2023, screening responses p2]

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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 determination, please call (360) 236-2955.

Sincerely,



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