



STATE OF WASHINGTON  
**DEPARTMENT OF HEALTH**

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

February 3, 2017

Javad Sajan, MD  
Alderwood Surgery Center  
3500 – 188<sup>th</sup> Street Southwest, #670  
Lynnwood, Washington 98037

RE: Determination of Reviewability [DOR] 17-12

Dear Dr. Sajan:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center in Lynnwood, within Snohomish 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 December 19, 2016
- Supplemental information received February 2, 2017
- 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)
- Allure Esthetic Plastic Surgery website at [allureesthetic.com](http://allureesthetic.com)
- The Gallery of Cosmetic Surgery website at [cosmeticsurgeryforyou.com](http://cosmeticsurgeryforyou.com)
- Certificate of Need historical files

**FACTS CONSIDERED**

- On June 6, 2006, Alderwood Surgical Center, LLC was established as a limited liability corporation with the Washington Secretary of State's office. The corporation is governed by one member: Javad Sajan, MD. [source: Secretary of State website]
- Alderwood Surgical Center, LLC has been registered with the Washington State Department of Revenue since March 1 2008. [source: Department of Revenue website]

- Alderwood Surgery Center, LLC is a solo practice owned by Javad Sajan, MD with one practice site at 3500 – 188<sup>th</sup> Street Southwest, #670 in Lynnwood [98037], within Snohomish County.
- This application requests an exemption for the establishment of an ambulatory surgery center (ASC) at the practice site.
- The ASC will be operated under the practice corporation of Alderwood Surgery Center, LLC.
- Two physicians will use the ASC and both are considered employees of the practice. . Future owners or employees may have access to the ASC.<sup>1</sup> A table with specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status	Percent of Time
Craig R. Jonov <sup>2</sup>	Active	Employee	100%
Javad Abbas Sajan	Active	Owner/Employee	100%

- The procedures proposed include those typically associated with plastic surgery, such as facial and body plastic and reconstructive surgery. A listing of common procedures is included in the exemption application.
- The ASC will not be operated as a separate legal entity from the Alderwood Surgery Center, LLC practice.
- No management agreement is proposed.

### **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.

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<sup>1</sup> Employed physicians must be employed by the Alderwood Surgery Center, LLC practice a minimum of 75% and perform their full range of services through Alderwood Surgery Center, LLC practice.

<sup>2</sup> In addition to a physician and surgeon license, Dr. Jonov also holds a Washington State dentist license [#00009246] and a Washington State dentist general anesthesia permit [#10000327]. Dr. Jonov does not currently practice as a dentist or administer dental general anesthesia. [source: February 2, 2017, responses]

- 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 Alderwood Surgery Center, LLC.
- 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