



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

August 26, 2013

Victor Michalak, MD
Cosmetic Surgery & Dermatology of Issaquah
295 Northeast Gilman Boulevard
Issaquah, Washington 98027

Dear Dr. Michalak:

RE: DOR 14-03

The department has completed the review of your exemption request regarding the proposed construction of an ambulatory surgery center in Issaquah, within King County. Below is the information considered and the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your project.

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application submitted July 22, 2013
- 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)

FACTS CONSIDERED

- On March 23, 2000, you received an exemption from Certificate of Need for the establishment of an ASC at 450 Northwest Gilman Boulevard, #303 in Issaquah [98027].¹
- On July 30, 2004, you established a practice corporation with the Washington Secretary of State's office. The corporation name is 'Cosmetic Surgery & Dermatology of Issaquah, Inc.'
- You operated a solo clinical practice under the corporation that is now located at 295 Northeast Gilman Boulevard in Issaquah [98027]. Since the ASC has relocated a new exemption is required.
- The ASC is located in dedicated space adjacent to the clinical practice.
- The ASC is operated under the practice corporation of Cosmetic Surgery & Dermatology of Issaquah, Inc.

¹ DOR#00-50.



- At this time, only you use the exempt ASC. Future owners or employees may have access to the ASC. Specific physician credentialing information is below.

Name	Credential Status	Practice Status
Victor Roman Michalak	Active	Owner

- The procedures proposed include those typically associated with cosmetic and dermatology, including facelifts, tumescent liposuction, and blepharoplasty.
- The ASC will not be operated as a separate legal entity from the Cosmetic Surgery & Dermatology of Issaquah, Inc. 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.
- 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 or employed by Cosmetic Surgery & Dermatology of Issaquah, Inc.
- 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.

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APPEAL OPTIONS

This decision may be appealed. The two appeal options are listed below.

Appeal Option 1:

You or any interested or affected person may request a public hearing to reconsider this decision. The request must state the specific reasons for reconsideration in accordance with Washington Administrative Code 246-310-560. A reconsideration request must be received within 28 calendar days from the date of the decision at one of the addresses below.

<u>Mailing Address:</u>	<u>Other Than By Mail</u>
Department of Health	Department of Health
Certificate of Need Program	Certificate of Need Program
Mail Stop 47852	111 Israel Road SE
Olympia, WA 98504-7852	Tumwater, WA 98501

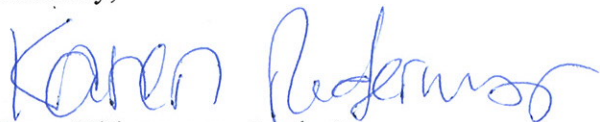
Appeal Option 2:

You or any affected 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 below.

<u>Mailing Address:</u>	<u>Other Than By Mail</u>
Department of Health	Department of Health
Adjudicative Service Unit	Adjudicative Service Unit
Mail Stop 47879	111 Israel Road SE
Olympia, WA 98504-7879	Tumwater, WA 98501

Please call me at (360) 236-2957 if you have any questions regarding this determination.

Sincerely,



Karen Nidermayer, Analyst
Certificate of Need Program
Office of Certification and Technical Support

Enclosure

cc: Department of Health, Investigations and Inspections Office
Department of Health, Construction Review Services