



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

November 25, 2015

Debbie Eldredge, Chief Operating Officer
Pacific Cataract and Laser Institute, Inc. PC
2517 Northeast Kresky Avenue
Chehalis, Washington 98532

Dear Ms. Eldredge:

RE: DOR 15-40

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center in Silverdale, within Kitsap 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 April 14, 2015
- Supplemental information submitted on September 24, 2015 and November 24, 2015
- 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)
- Pacific Cataract and Laser Institute Certificate of Need facility file for the current Silverdale site at 9951 Mickelberry Road Northwest, #123
- Certificate of Need historical files

FACTS CONSIDERED

- On December 31, 1987, Pacific Cataract and Laser Institute, Inc. PC established the professional corporation with the Washington Secretary of State's office.
- Pacific Cataract and Laser Institute, Inc. PC is governed by two individuals: Robert Ford, president, chairman, and director; Debbie Eldredge, vice president, secretary, and treasurer. [source: Secretary of State website]
- Pacific Cataract and Laser Institute, Inc. PC has been registered with the Washington State Department of Revenue since January 1, 1988. [source: Department of Revenue website]

- Pacific Cataract and Laser Institute, Inc. PC has 17 operational practice sites located in the states of Alaska (1), Idaho (2), Montana (1), New Mexico (1), Oregon (2), and Washington (10).
- Each of the ten sites identified above has an associated, exempt ambulatory surgery center at the location. The ten Washington State sites are listed below.

ASF #	Address	City/Zip	County
06101107	10500 Northeast Eighth Street, #1650	Bellevue/98004	King
60276759	4330 Mitchell Way	Bellingham/98226	Whatcom
60101110	2517 Northeast Kresky Avenue	Chehalis/98532	Lewis
60340640	6695 West Rio Grand Avenue	Kennewick/99336	Benton
60101112	115 New View Court Northeast	Olympia/98506	Thurston
60101103	9951 Mickelberry Road Northwest, #123	Silverdale/98383	Kitsap
60101115	534 East Spokane Falls Boulevard, #200	Spokane/99202	Spokane
60101100	2915 South Alder Street	Tacoma/98409	Pierce
60101114	2205 Northeast 129 th Street	Vancouver/98686	Clark
60101096	3900 Kern Road	Yakima/98902	Yakima

- This application focuses on the site in Silverdale, within Kitsap County [shown in bold above].
- Pacific Cataract and Laser Institute, Inc. PC proposes to relocate the Silverdale practice to a new site at 9598 Mickelberry Road Northwest. The practice will remain in Silverdale, within Kitsap County.
- Once relocated to the new site, Pacific Cataract and Laser Institute, Inc. PC intends to establish an exempt ASC at the site. The ASC will be operated under the practice corporation of Pacific Cataract and Laser Institute, Inc. PC.
- The change of relocation for Pacific Cataract and Laser Institute, Inc. PC requires a new exemption for the ASC.
- At this time, three physicians intend to use the ASC. Future owners or employees may have access to the ASC.¹ A table with specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status	Percent of Time
Brian J. Carey, MD	Active	Employed	100%
Paul Y. Chung, MD	Active	Employed	100%
David L. Gano, MD	Active	Employed	100%

- Dr. Cynthia Murrill is partially retired and works 60%; however, 100% of Dr. Murrill's time is spent at the Pacific Cataract and Laser Institute, Inc. PC practice.

¹ Employed physicians must be employed by Pacific Cataract and Laser Institute, Inc. PC a minimum of 75% and perform their full range of services through Pacific Cataract and Laser Institute, Inc. PC.

- A copy of the corporate By-Laws of Pacific Cataract and Laser Institute, Inc. PC was provided as part of this exemption application.
- The procedures proposed include those typically associated with eye surgery, such as cataract, corneal, plastics, and glaucoma procedures. A listing of common procedures is included in the exemption application.
- The ASC will not be operated as a separate legal entity from the Pacific Cataract and Laser Institute, Inc. PC 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/owner or employed by Pacific Cataract and Laser Institute, Inc. PC.
- 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.

Debbie Eldredge, Chief Operating Officer
Pacific Cataract and Laser Institute, Inc. PC
DOR 15-40
November 25, 2015
Page 4 of 4

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 below.

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,

for 

Janis Sigman, Manager
Certificate of Need Program
Community Health Systems

cc: Department of Health, Investigations and Inspections Office #60101103
Department of Health, Construction Review Services #60396692