



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

November 25, 2015

Philip Young, MD
Aesthetic Facial Plastic Surgery
1810 – 116th Avenue Northeast, #102
Bellevue, Washington 98004

RE: Determination of Reviewability #15-34

Dear Dr. Young:

The Department of Health has completed its review of your exemption request for the surgery center in Bellevue known as Aesthetic Facial Plastic Surgery. The exemption application was received in the Certificate of Need Program Office on February 20, 2015. The exemption requests expansion of services at your existing ambulatory surgery center located in Bellevue. Currently, the services provided include facial plastic surgery.

While reviewing your exemption application, we noted a pending Amended Statement of Charges on file with the Washington State Department of Health's Adjudicative Clerk Office.¹ On October 1, 2015, an Agreed Order was signed between you and a representative from the Washington State Medical Quality Assurance Commission related to the Statement of Charges. The Agreed Order imposes the following sanctions.²

- five year oversight;
- probation with the ability to petition to end the probation after 12 months;
- practice restrictions;
- four-month proctoring by a Commission-approved surgeon who will provide written recommendations, if any, for further clinical assessment and/or training; and
- completion of Commission-approved continuing education on patient communication, medical record-keeping, infection management, and moderate sedation.

Further, the Agreed Order requires you to personally appear annually, submit to semi-annual practice review, and pay a fine.

With signed Agreed Order, the Certificate of Need Program will complete its review of your February 20, 2015, exemption request proposing expansion of surgical services. While the Program is

¹ M2011-1605.

² M2011-1605 Agreed Order, page 23 of 25.

concerned about the sanctions in the Agreed Order, the sanctions cannot be used as a factor in this determination. 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 exemption application received February 20, 2015
- Supplemental information received October 1, 2015 [Agreed Order]
- 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)
- Aesthetic Facial Plastic Surgery Certificate of Need facility file
- Certificate of Need historical files

FACTS CONSIDERED

- On April 21, 2011, the Certificate of Need Program issued an exemption for the establishment of the ambulatory surgery center (ASC) exemption known as Aesthetic Facial Plastic Surgery. At that time, the surgery center was located at 1810 – 116th Avenue Northeast in Bellevue within King County.³ Services provided at the surgery center under the year 2011 exemption was limited to facial plastic surgery.
- The February 20, 2015, exemption request proposes expansion of the surgical services to include breast and body plastic surgery.
- The practice and the surgery center will remain at the current location of 1810 – 116th Avenue Northeast, #102, in Bellevue [98004].
- The procedures proposed include those typically associated with cosmetic and reconstructive plastic surgery. The exemption application provides a listing of common procedures.
- At this time, two physicians intend to use the ASC. Future owners or employees may have access to the ASC.⁴ A table with specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status	Employed Percentage
Philip A. Young	Active-On Probation	Owner	100%
Rikesh Terence Parikh	Active	Employed	100%

³ Determination of Reviewability (DOR) #11-27.

⁴ Employed physicians must be employed by Aesthetic Facial Plastic Surgery a minimum of 75% and perform their full range of services through Aesthetic Facial Plastic Surgery.

- The ASC will not be operated as a separate legal entity from Aesthetic Facial Plastic Surgery
- No management agreement or time-share 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 with the expanded services. 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's has a separate UBI or Medicare number different than 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 Aesthetic Facial Plastic Surgery.
- 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.

Philip Young, MD
Aesthetic Facial Plastic Surgery
DOR 15-34
November 25, 2015
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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 decision, please call me at (360) 236-2955.

Sincerely,



JS
Janis Sigman, Manager
Certificate of Need Program
Community Health Systems

cc: Department of Health, Investigations and Inspections Office
Department of Health, Construction Review Services #60517386