



STATE OF WASHINGTON  
**DEPARTMENT OF HEALTH**

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

May 1, 2018

Joshua Cooper, MD  
Sound Plastic Surgery  
4915 – 25<sup>th</sup> Avenue Northeast, #103A  
Seattle, Washington 98105

RE: Determination of Reviewability [DOR] 18-13

Dear Dr. Cooper:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery facility (ASF) in Seattle, within King County. For the reasons stated below, the ambulatory surgery facility to be located at 4915 – 25<sup>th</sup> Avenue Northeast #103-B, in Seattle [98105] and operating exclusively as an ASF on Monday and Thursday, from 8:00 am to 5:00 pm, for a total of 16 hours each week does not meet the definition of an ASF requiring a Certificate of Need. The same location will operate exclusively as a clinic Tuesday, Wednesday, and Friday from 8:00 am to 5:00 pm for a total of 28 hours.

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 15, 2017
- Supplemental information received January 22, 2018, April 25, 2018, and May 1, 2018
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Department of Health's Office of Community Health Systems Interpretive Statement #CN 01-18
- 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)
- Sound Plastic Surgery website: [www.soundplasticsurgery.com](http://www.soundplasticsurgery.com)
- Certificate of Need historical files

### **FACTS CONSIDERED**

- Sound Plastic Surgery, PLLC has been registered with the Washington Secretary of State's office since October 3, 2013. The professional service corporation is governed by the following two physicians: Joshua Cooper and Scott Sattler.
- Sound Plastic Surgery, PLLC has been registered with the Department of Revenue since March 9, 2014.
- With this application, Sound Plastic Surgery, PLLC intends to establish an ambulatory surgery facility (ASF) under the corporation.
- Sound Plastic Surgery, PLLC is located at 4915 – 25<sup>th</sup> Avenue Northeast, #103A in Seattle, within King County. The ASF would be located at the same site.
- The practice and ASF would be operated under the corporation and Unified Business Identifier [UBI] number of Sound Plastic Surgery, PLLC.<sup>1</sup>
- Two physicians intend to use the ASF. Future owners or employees may have access to the surgery center. A table with specific physician credentialing information and practice association is in the table below.

<b>Name</b>	<b>Credential Status</b>	<b>Practice Status</b>	<b>Percent of Time</b>
Joshua M. Cooper	Active	Owner	100%
Scott C. Sattler	Active	Owner	100%

- The proposed ASF would have one operating room.
- The procedures proposed at the surgery center include those typically associated with cosmetic and reconstructive plastic surgery.
- The ASF will not be operated as a separate legal entity from the Sound Plastic Surgery, PLLC practice.
- Hours of operation for the ASF are to be Monday and Thursday from 8:00am to 5:00pm, for a total of 16 hours each week. The clinic will be open from 8:00 am to 5:00 pm Tuesday, Wednesday, and Friday for a total of 28 hours each week.
- No management agreement is proposed.

### **CONCLUSION**

Based on the totality of information considered, the department concludes the proposed ASF would be exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this proposed ASF 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 ASFs.

### **CHANGES THAT MAY EFFECT THIS DECISION**

If changes are made in the operation or ownership of this proposed ASF, the ASF 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.

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<sup>1</sup> Sound Plastic Surgery, PLLC's UBI number is 603-341-124.

- Changes in hours or days the site is used exclusively as an ASF.
- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The number of operating rooms increases beyond one.
- The scope of services is expanded beyond the services as identified in the Certificate of Need exemption application.
- The provision of any procedure as identified under WAC 246-310-705(4).
- The ASF is operated under a management agreement.
- The ASF is organized as a separate legal entity from the practice or obtains a separate UBI number from Sound Plastic Surgery, PLLC.
- The ASF is moved to a different site than identified in the exemption application.
- Use of the ASF is extended to any physician who is not a member/owner or employed by Sound Plastic Surgery, PLLC.<sup>2</sup>
- Use of the ASF is extended to any physician that is an independent contractor.
- The ASF obtains a new or separate Medicare certification from the clinical practice.
- The ASF ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASF.
- The ASF or the practice is purchased or leased.
- A joint venture is formed that includes the ASF.
- ASF patients are routinely transferred from the ASF 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

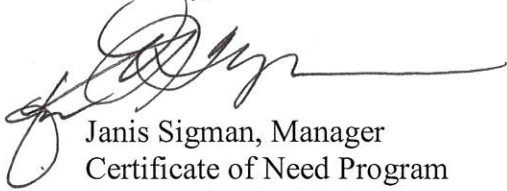
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<sup>2</sup> Employed physicians must be employed by Sound Plastic Surgery, PLLC a minimum of 75% and perform their full range of services through Sound Plastic Surgery, PLLC.

Joshua Cooper, MD, Sound Plastic Surgery  
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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,

A handwritten signature in black ink, appearing to read "Janis Sigman", with a long horizontal line extending to the right.

Janis Sigman, Manager  
Certificate of Need Program  
Community Health Systems