



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

December 17, 2020

Dave Atteberry, MD
Direct Imaging, PC
6101 Summitview Avenue #200
Yakima, WA 98908

Sent via email: attedsgmail.com

RE: Determination of Reviewability #21-04

Dear Dr. Atteberry:

The Department of Health has completed its review of the determination of reviewability request submitted by Direct Imaging, PC. The request proposes exemption from Certificate of Need review, the operation of an ambulatory surgery center (ASC) in Yakima, within Yakima County.

BACKGROUND AND FACTS

The following information was considered during the review process, and is recorded here for historical purposes:

- Direct Imaging, P.C. is not an existing facility.
- Direct Imaging, P.C. was registered with the Washington State Secretary of State's office in May 2020
 - Direct Imaging, P.C. is a Washington professional services corporation with the unified business identifier [UBI] 604 621 908.
 - Direct Imaging is currently owned¹ and governed by² its sole member³, Dave Atteberry, MD.
 - Direct Imaging, P.C. does not have and does not at this time require⁴ a license for the ASC from the Washington State Department of Health.
- Once the facility is operational:
 - Dave Atteberry will own and will operate both Direct Imaging, P.C.'s clinical practice and surgery center located at 6101 Summitview Avenue Suite 200 in Yakima, Washington [98908].

¹ Operating Agreement of Direct Imaging, PC

² Washington Secretary of State [website](#), UBI 604 621 908

³ Operating Agreement of Direct Imaging, PC

⁴ In accordance with [Revised Code of Washington 70.230.040\(3\)](#)

- Clinical and surgical services to be provided at Direct Imaging, P.C. include neurosurgical procedures.
- Direct Imaging, P.C. will have one operating room⁵.

RELEVANT CRITERIA

The department reviews requests for compliance with the following:

- Applicable sections of both Revised Code of Washington 70 and Washington Administrative Code 246-310; and
- The Washington State Department of Health's Interpretive Statement CN 01-18⁶

THE PRIMARY PURPOSE OF THE FACILITY

- After the establishment of this facility, the anticipated revenue from surgical services provided at the Yakima location will be approximately 37.5% of the total revenue generated by the facility.
- After the establishment of this facility, the anticipated patient visits for surgical services provided at the Yakima location will be approximately 3.8% of the total patient visits to the facility.

CONCLUSION

Based on the totality of information in the request for determination of reviewability, screening responses, resulting research, the department concludes that the operation of Direct Imaging, P.C. at 6101 Summitview Avenue Suite 200 in Yakima, Washington [98908] does not require a Certificate of Need at this time.

CHANGES THAT MAY AFFECT THIS DECISION

A facility can make changes that may impact the primary purpose of the facility. Such as, if the revenues or patient visits related to surgical services begin to regularly exceed half of the facility's operations. Changes, including but not limited to the following, will likely either prompt Certificate of Need review or necessitate a new determination of reviewability:

- A change of ownership;
- Operational changes;
- Expansion of services;
- The addition of operating rooms;
- A change in location; or
- If the physicians or use of the facility change, resulting in different total revenues or visits.

⁵ For certificate of need purposes, operating and procedure rooms are both defined as operating rooms.

⁶ Approved by the Washington State Secretary of Health, John Wiesman, DrPH, MPH, effective January 19, 2018

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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 determination, please call (360) 236-2955.

Sincerely,



Eric Hernandez, Program Manager
Certificate of Need
Community Health Systems