



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

November 9, 2020

Lance Baldwin, Vice President of Operations
Northwest Eye Surgeons, PC
E-mail: lbaldwin@nweyes.com

RE: Determination of Reviewability #21-10

Dear Mr. Baldwin:

The Department of Health has completed its review of the determination of reviewability request submitted by N.W. Eye Surgeons, PC. The request proposes exemption from Certificate of Need review for the operation of an ambulatory surgery center (ASC) in Seattle within King County.

BACKGROUND AND FACTS

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

- N.W. Eye Surgeons, PC is a Washington professional limited liability company with the unified business identifier [UBI] 601 699 481.
- N.W. Eye Surgeons, PC is currently owned¹ and governed by² the following six members.³

Kristi Bailey	Werner Cadera	Aaron Kuzin
Brett Bence	Bruce Cameron	Audrey Talley-Rostov

- N.W. Eye Surgeons, PC will own and operate both the clinical practice and surgery center at the following location: 322 Northeast Northgate Way in Seattle [98125], within King County.
- The use of the ASC will be limited to member or employee-physicians of N.W. Eye Surgeons, PC. Revenues or visits used to determine primary purpose have been limited to those members.
- Clinical and surgical services to be provided at N.W. Eye Surgeons, PC will be limited to ophthalmologic procedures.
- The surgery center will have three operating rooms.

¹ Bylaws of N.W. Eye Surgeons, PC

² Washington Secretary of State [website](#), UBI 601 699 481

³ Bylaws of N.W. Eye Surgeons, PC and Washington Secretary of State [website](#),

RELEVANT CRITERIA

The department reviews requests for compliance with the following:

- Applicable sections of both [Revised Code of Washington 70.38](#) and [Washington Administrative Code 246-310](#); and
- The [Washington State Department of Health's Interpretive Statement CN 01-18](#)⁴

THE PRIMARY PURPOSE OF THE FACILITY

- The anticipated revenue from surgical services provided at surgery center will be approximately 29.9% of the total revenue generated by the facility.
- The anticipated patient visits for surgical services provided at the surgery center will be approximately 11.8% 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 N.W. Eye Surgeons, PC at 322 Northeast Northgate Way in Seattle [98125] 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.

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

⁴ Approved by the Washington State Secretary of Health, John Wiesman, DrPH, MPH, effective January 19, 2018

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If you have any questions or would like to arrange for a meeting to discuss this determination, please call (360) 236-2955.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Hernandez", with a long horizontal stroke extending to the right.

Eric Hernandez, Program Manager
Certificate of Need
Community Health Systems

cc: Emily Studebaker, Attorney [sent by e-mail]