



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

April 22, 2013

Thomas Krech, VP of Operations  
Aesthetic Physicians, PC  
dba Sonobello  
8900 East Pinnacle Peak Road, #E200  
Scottsdale, Arizona 85255

RE: DOR #12-39

Dear Mr. Krech:

The department has completed the review of your exemption request regarding the proposed construction of an ambulatory surgery center in Bellevue, within King County. Below is the information considered and the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your project.

**INFORMATION CONSIDERED**

- Ambulatory Surgery Center (ASC) exemption application received June 1, 2012
- Supplemental information provided on November 27, 2012 and September 21, 2011<sup>1</sup>
- 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)
- Information obtained from Aesthetic Physicians, PC website
- Information obtained from the Sonobello website
- Information obtained from the Accreditation Association for Ambulatory Health Care website

**FACTS CONSIDERED**

- Aesthetic Physicians, PC is a solo practice governed by one member—Eduardo Avila, MD—a sole share holder.

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<sup>1</sup> The September 21, 2011, information was provided in response to my August 29, 2011, letter to Dr. Garrison at the Bellevue site. The September 21 letter notified Dr. Garrison that a Certificate of Need was required for the establishment of the ASC associated with Aesthetic Physician, APC.

- Aesthetic Physicians, PC is incorporated in Washington State. Governing persons are Eduardo Avila, MD, serving as president, chairman, and director; and Thomas Trench, servicing as vice president, treasurer, and secretary. Both persons list an address in Draper Utah. [source: Secretary of State website]
- The dba of Sonobello is located in the following states: Georgia, Texas, Massachusetts, California, Florida, Pennsylvania, Arizona, Oregon, Utah, and Washington. [source: Sonobello website at [www.sonobello.com](http://www.sonobello.com)]<sup>2</sup>
- For Washington State, Aesthetic Physicians, PC dba Sonobello has the two sites identified below.

Address	City	Zip
<b>1200 – 112<sup>th</sup> Avenue Northeast, Building C, #154</b>	<b>Bellevue</b>	<b>98004</b>
3209 South 23 <sup>rd</sup> Street, #170	Tacoma	98405

- You intend to establish an exempt ASC at the Bellevue practice site listed in bold above.
- The application identifies seven physicians that would have access to the proposed ASC. Revised information provided on November 27, 2012, identifies only four physicians would have access to the proposed ASC. Information related to each of the four physicians is listed below.

Physician Name	Credential Status	% of Time Employed by Practice
Eduardo Avila	Active	100%
Marco Sobrino	Active-on probation	100%
George Marosan	Active	20%
Marshall Partington	Active	50%

- Aesthetic Physicians, PC established a separate Physician Employment Agreement for the following physicians: Marco Sobrino, George Marosan, and Marshall Partington. A copy of each agreement was provided in the application.
- Procedures to be performed at the ASC typically require general anesthesia and include those surgeries generally associated with laser assisted tumescent liposuction.
- Aesthetic Physicians, PC contracts with a separate corporation for management services. The management corporation is Body Contour Center, LLC, which is governed by Christofer Michael Par [source: Secretary of State website]
- A copy of the management Services Agreement between Aesthetic Physicians, PC dba Sonobello and Body Contour Center, LLC, was provided in the application. The agreement became effective February 25, 2012, and identifies a 10 year term.

## CONCLUSION

Based on the totality of information considered your exemption request is denied. The proposed ASC meets the definition of an ASC under the Certificate of Need provisions of WAC 246-310-010 and is subject to prior Certificate of Need review and approval before it is established. This conclusion is based on the following information.

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<sup>2</sup> It is unclear from the application whether all Sonobello sites are associated with Aesthetic Physicians, PC because the application lists only the Washington State sites.

- Three of the four physicians proposed to use the facility are under contract employment with Aesthetic Physicians, PC.
- The employment contracts indicate that association with Aesthetic Physicians, PC is primarily for use of the ASC.
- One of the three physicians—Marshall Partington—obtained an exemption for the establishment of an ASC associated with his own practice on December 10, 2012.

Enclosed is a copy of the Certificate of Need rules, (WAC 246-310), regulations (RCW 70.38), and a blank application form should you wish to pursue this project.

**APPEAL OPTION**

This decision may be appealed. Your appeal option is identified below.

Appeal Option:

You or any affected 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 following addresses:

Mailing Address:

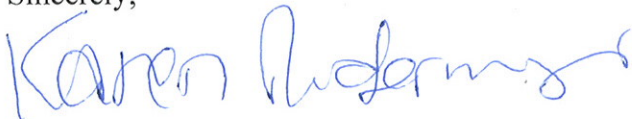
Department of Health  
Adjudicative Service Unit  
Mail Stop 47879  
Olympia, WA 98504-7879

Other Than By Mail

Department of Health  
Adjudicative Service Unit  
111 Israel Road SE  
Tumwater, WA 98501

Please call me directly at (360) 236-2957 if you have any questions or you would like to meet to discuss this determination.

Sincerely,



Karen Nidermayer, Analyst  
Certificate of Need Program  
Office of Certification and Technical Support

Enclosure