



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 14, 2013

Carol Levy, Director of Operations
Seattle Reproductive Medicine
1505 Westlake Avenue North, #400
Seattle, Washington 98109

DOR #13-35

Dear Ms. Levy:

The department has completed the review of your exemption request regarding the proposed construction of an ambulatory surgery center in Spokane, within Spokane 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 submitted April 15, 2013
- Your supplemental information received May 13, 2013
- 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)

FACTS CONSIDERED

- Seattle Reproductive Medicine, Inc. PS is an active corporation governed by Nancy Klein, MD; Paul Lin, MD; Gerard Letterie, DO; and Angela Thyer, MD. [source: Secretary of State website]
- Seattle Reproductive Medicine, Inc. PS has the four practice sites in Washington State and no out-of-state practices. The Washington State sites are listed below.

Address	City	Zip
1505 Westlake Avenue North, #400	Seattle	98109
3055 – 112 th Avenue Northeast, #201	Bellevue	98004
3209 South 23 rd Street, #350	Tacoma	98405
12333 Northeast 130 th Lane, #220	Kirkland	98034



- The practice is owned by 8 physicians and employs 4 additional physicians. Information related to each of the 12 physicians is listed below.

Name	Credential Status	Partner or Employed	% of Time Employed by Practice
Nichole Marie Barker	Active	Employed	100%
Amy R. Criniti	Active	Partner	Partner
Lynn Bentley Davis	Active	Partner	Partner
Paul S. Dudley	Active	Partner	Partner
Brenda S. Houmard	Active	Employed	100%
Janet L. Kennedy	Active	Partner	Partner
Nancy Allen Klein	Active	Partner	Partner
Gerard S. Letterie	Active	Partner	Partner
Paul C. Lin	Active	Partner	Partner
Robert Dale McClure	Active	Employed	100%
Michael Roy Soules	Active	Employed	100%
Angela C. Thyer	Active	Partner	Partner

- As shown above, all four of the employed physicians spend 100% of their time at the Seattle Reproductive Medicine, Inc. PS, practice.
- Seattle Reproductive Medicine, Inc. PS intends to establish an exempt ASC at a new practice site in Spokane, within Spokane County. The address of the Spokane practice and proposed ASC is 15920 East Indiana Avenue in Spokane Valley [99216].
- The exempt ASC would be operated under the Seattle Reproductive Medicine, Inc. PS corporation. No other entity would have ownership of the proposed ASC.
- While Dr. Brenda Houmard would be the primary physician at the Spokane ASC, all 12 physicians listed above would have access to the proposed ASC.
- Procedures to be performed at the ASC include those surgeries typically associated with reproductive procedures, such as hysteroscopies, oocyte retrievals, and embryo transfers. A listing of typical procedures was provided within the exemption application.
- The exemption application indicates that no management agreement for the ASC is proposed.

CONCLUSION

Based on the totality of information considered, the department concludes the proposed ASC would be exempt from Certificate of Need review.

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 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 of the practice or at least 75% employed by Seattle Reproductive Medicine, Inc. PS.
- 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 to a hospital for observation care.

APPEAL OPTIONS

This decision may be appealed. The two appeal options are listed below.

Appeal Option 1:

You or any interested or affected person may request a public hearing to reconsider this decision. The request must state the specific reasons for reconsideration in accordance with Washington Administrative Code 246-310-560. A reconsideration request must be received within 28 calendar days from the date of the decision at one of the following addresses.

Mailing Address:

Department of Health
Certificate of Need Program
Mail Stop 47852
Olympia, WA 98504-7852

Other Than By Mail

Department of Health
Certificate of Need Program
111 Israel Road SE
Tumwater, WA 98501

Appeal Option 2:

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

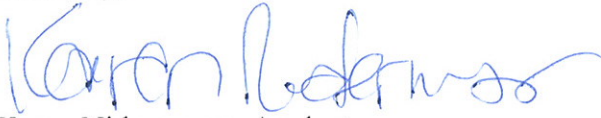
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Tumwater, WA 98501

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Please call me at (360) 236-2957 if you have any questions regarding this determination.

Sincerely,



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

Enclosure

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