

EXPEDITE
 No Hearing Set
 Hearing is Set
 Date:
 Time:

RECEIVED FILED

JUL 15 2015 JUL - 8 2015

ATTORNEY GENERAL'S OFFICE
 AGRICULTURE & HEALTH DIVISION
 Superior Court
 Linda Myhre Enlow
 Thurston County Clerk

STATE OF WASHINGTON
 THURSTON COUNTY SUPERIOR COURT

PROVIDENCE PHYSICIAN SERVICES
 CO.,

NO. 14-2-01455-1

Petitioners,

ORDER AFFIRMING
 DEPARTMENT OF HEALTH'S
 FINAL ORDER

v.

WASHINGTON STATE
 DEPARTMENT OF HEALTH and
 ROCKWOOD HEALTH SYSTEM
 D/B/A VALLEY HOSPITAL,

Respondents.

THIS MATTER came before the Court on May 22, 2015, for hearing on a Petition for Judicial Review filed under RCW 34.05 by Providence Physician Services Co. (PPSC). PPSC, represented by Brian W. Grimm, Attorney-At-Law, appeared in support of the Petition. Appearing in opposition to the Petition were the Department of Health (Department), represented by Richard A. McCartan, Senior Counsel, Office of the Attorney General; and Rockwood Health Systems (Rockwood), represented by John W. Sullivan, Attorney-At-Law. Having considered the pleadings, the administrative record, and the briefing and oral argument of counsel, the Court finds and concludes:

1. The Department administers the Certificate of Need law under RCW 70.38 and WAC 246-310. Establishment of an "ambulatory surgical facility" requires Certificate of Need approval by the Department. RCW 70.38.025(6), RCW 70.38.105(4)(a).

1 APPROVED AS TO FORM:

2 PERKINS COIE LLP

3

4 *appeared per email to Richard M. Carter*

5 BRIAN W. GRIMM, WSBA No. 29619
6 Attorney for Petitioner
7 Providence Physican Services Co.

8 and

9 LAW OFFICE OF JOHN F. SULLIVAN

10

11 *appeared per email to Richard M. Carter*

12 JOHN F. SULLIVAN, WSBA No. 15426
13 Attorney for Respondent Rockwood Health
14 System d/b/a Valley Hospital

15

16

17

18

19

20

21

22

23

24

25

26