



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
*Olympia, Washington 98504*

September 19, 2014

Louise Coomes, Comptroller  
Clearview Eye and Laser, PLLC  
2515 Southwest Trenton Street, #201  
Seattle, Washington 98106

Dear Ms. Coomes:

RE: DOR 14-33

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

**INFORMATION CONSIDERED**

- Ambulatory Surgery Center exemption application received June 27, 2014, 2014
- Supplemental Information received September 12, 2014
- 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)
- Parcel information obtained from the King County Assessor website
- Certificate of Need historical files

**FACTS CONSIDERED**

- On July 20, 2005, the practice known as West Seattle Highline Eye Clinic, LLP received an exemption approval for the establishment of an ASC at the site of 2515 Southwest Trenton Street, #201 in Seattle [98106].

- The surgery center has been in continuous operation since its inception and holds a current license with the Department of Health.<sup>1</sup>
- On December 11, 2012, the corporation known as Clearview Eye and Laser, PLLC was established with the Washington Secretary of State's office. [source: Secretary of State website].
- On June 1, 2014, the corporation was registered with the Washington Department of Revenue. [source: Department of Revenue website]
- The corporation known as West Seattle Highline Eye Clinic, LLP is currently an inactive corporation with the Washington Secretary of State's office.
- The intent of the new corporation is to operate the practice and its associated surgery center under it, and relocate both to a new site in Seattle, within King County. The practice and ASC would relocate by December 2016.
- At this time, the proposed site does not have an address assigned by the postmaster. The site is identified by King County parcel numbers 9269200050; 9269200060; 9269200070; and 9269200075. All four parcels are owned by the same entity.
- The practice and the surgery center would be operated under Clearview Eye and Laser, PLLC.
- Credential information on the three owning physicians of the Clearview Eye and Laser, PLLC group practice is shown below.

Name	Credential Status	Practice Status
Marcus A. Meyer	Active	33.3% Owner
Thomas G. Mulligan	Active	33.3% Owner
Aaron P. Weingeist	Active	33.3% Owner

- Once the practice and the ASC are relocated to the new site, the former practice site and ASC would no longer be used by West Seattle Highline Eye Clinic, LLP.
- At this time, only the three owning physicians intend to use the ASC. Future owners or employees may have access to the ASC.
- The procedures include those typically associated with ophthalmic services.
- The ASC will not be operated as a separate legal entity from the professional corporation or practice of Clearview Eye and Laser, PLLC.
- No management agreement is proposed.

### **CONCLUSION**

Based on the totality of information considered, the department concludes the proposed ASC would be exempt from Certificate of Need review provided Clearview Eye and Laser, PLLC submits written agreement to the two conditions below.

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<sup>1</sup> ASF.FS.60101033; expiration date February 13, 2015.

### **Conditions of Exemption Approval**

- 1) Clearview Eye and Laser, PLLC will provide the address of the site within 30 days from its assignment by the approving entity.
- 2) Clearview Eye and Laser, PLLC will provide written progress towards obtaining the address for the practice through completed quarterly progress reports created by the department's Certificate of Need Program.

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 or employed by Clearview Eye and Laser, PLLC.
- 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 for observation care at one of the area's hospitals.

### **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 addresses on the following page.

Louise Coomes, Comptroller  
Clearview Eye and Laser, PLLC  
DOR #14-33  
September 19, 2014  
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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 addresses below.

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

Sincerely,



Karen Nidermayer, Analyst  
Certificate of Need Program  
Community Health Services