



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Certificate of Need Program
111 Israel Road Southeast – MS 4-7852
Olympia, Washington 98504

April 18, 2018

Debbie Eldredge, Executive VP, COO
Pacific Cataract & Laser Institute
2517 NE Kresky Ave
Chehalis, WA 98532

RE: Determination of Reviewability #18-09

Dear Ms. Eldredge:

The Department of Health has completed its review of your Determination of Reviewability [DOR] request regarding the relocation of the two operating ASF currently operating at 10500 NE 8th Street Southeast in Suite 1650, Bellevue, WA. Below is background information and facts considered and relied upon by the Department of Health's Certificate of Need Program in reaching its conclusion regarding your project.

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application received November 14, 2017
- Supplemental information received April 11, 2018
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Department of Health's Office of Community Health Systems Interpretive Statement #CN 01-18
- 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)
- Pacific Cataract and Laser Institute website: <http://www.pcli.com/>
- Certificate of Need historical files

FACTS CONSIDERED

- Pacific Cataract & Laser Institute has been registered with the Washington Secretary of State's office since 1987.
- Pacific Cataract & Laser Institute has been registered with the Department of Revenue since 1995.
- PCLI is 100% owned by Robert O. Ford, MD

- On November 23, 1993, the department issued a determination of reviewability identifying that Pacific Cataract & Laser Institute’s (PCLI) Bellevue facility did not meet the definition of Ambulatory Surgical Facility and was not subject to Certificate of Need (CN) review.
- Currently, PCLI operates a 2-OR exempt surgery center located at 10500 NE 8th Street Southeast in Suite 1650, Bellevue, WA in King County
- PCLI is currently licensed with the Department of Health [ASF.FS.60101107].
- Use of the surgery center is limited to the owner of the surgery center and employees. Future owners or employees may have access to the surgery center.¹ A table with specific physician credentialing information and practice association is shown below.

Name	Credential Status	Practice Status	Percent of Time
Robert Ford, MD	Active	Owner	100%
Brian Carey, MD	Active	Employee	100%
William Gruzensky, MD	Active	Employee	100%
Paul Chung, MD	Active	Employee	100%
Jason Leng, MD	Active	Employee	100%
Tessa Plana, OD	Active	Employee	100%
Michael Van Brocklin, OD	Active	Employee	100%
Victoria Roan, OD	Active	Employee	100%
BJ Lightfoot, OD	Active	Employee	100%
Maynard Pohl, OD	Active	Employee	100%

- The procedures proposed at the surgery center include those typically associated with ophthalmology, such as cataracts, eyelid surgery, and LASIK. A listing of common procedures was included with the application request.
- The ASF will not be operated as a separate legal entity from the PCLI practice.
- The facility is open Mondays through Thursdays from 8:00 am until 5:00 pm, and Fridays from 8:00 am until 1:00 pm. The schedule of the surgery center changes weekly on a four week rotation, described below:

		Surgical Hours	Clinical Hours
Week 1	Monday, Tuesday, Wednesday	24	16
Week 2	Tuesday, Thursday PM	12	28
Week 3	Monday, Tuesday, Wednesday	24	16
Week 4	Tuesday, Thursday	16	24
	Total	76	84

- Scheduling aside, PCLI attests that surgical services make up approximately 28% of their business at the Bellevue location
- No management agreement is proposed.

¹ Employed physicians must be employed by PCLI a minimum of 75% and perform their full range of services through PCLI.

CONCLUSION

Based on the totality of information considered, the department concludes the proposed ASF would be exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this proposed ASF 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 ASFs.

CHANGES THAT MAY AFFECT THIS DECISION

If changes are made in the operation or ownership of this proposed ASF, the ASF 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.

- Changes in hours or days the site is used exclusively as an ASF.
- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The number of operating rooms increases.
- The scope of services is expanded beyond the services as identified in the Certificate of Need exemption application.
- The provision of any procedure as identified under WAC 246-310-705(4).
- The ASF is operated under a management agreement.
- The ASF is organized as a separate legal entity from the practice or obtains a separate UBI number from PCLI
- The ASF is moved to a different site than identified in the exemption application.
- Use of the ASF is extended to any physician who is not a member/owner or employed by PCLI.²
- Use of the ASF is extended to any physician that is an independent contractor.
- The ASF obtains a new or separate Medicare certification from the clinical practice.
- The ASF ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASF.
- The ASF or the practice is purchased or leased.
- A joint venture is formed that includes the ASF.
- ASF patients are routinely transferred from the ASF for observation care at one of the area's hospitals.

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.

² Employed physicians must be employed by PCLI a minimum of 75% and perform their full range of services through PCLI.

Debbie Eldredge, VP, COO
Pacific Cataract & Laser Institute
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Mailing Address:

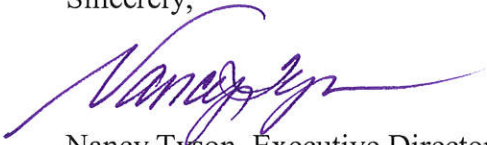
Department of Health
Adjudicative Service Unit
Mail Stop 47879
Olympia, WA 98504-7879

Physical Address

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

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

Sincerely,



Nancy Tyson, Executive Director
Health Facilities and Certificate of Need
Community Health Systems