



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

September 19, 2013

Debbie Perdue, Practice Manager
Minor & James Medical, PLLC
515 Minor Avenue
Seattle, Washington 98104

RE: DOR #13-36

Dear Ms. Perdue:

The Department of Health has completed the review of your exemption request regarding the proposed ambulatory surgery center in Issaquah, 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 April 16, 2013
- Supplemental information provided on June 17, 2013¹
- 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)
- Certificate of Need historical files

FACTS CONSIDERED

- Minor & James Medical Professional LLC is a group practice governed by three members—Dylan Carroll, James Martin, and William Hammond.
- Minor & James Medical Professional LLC has been a Washington State corporation since March 31, 1995.
- Minor & James Medical Professional LLC has 12 practice sites and all are located in King County. The 12 practice sites are identified on the following page.

¹ The June 17, 2013, information was provided by Emily Studebaker, attorney with the law firm of Garvey, Schubert, Barer.



Address	City	Zip
515 Minor Avenue	Seattle	98104
600 Broadway	Seattle	98122
1200 - 112th Avenue NE	Bellevue	98004
3236 - 78th Avenue SE	Mercer Island	98040
1229 Madison Street	Seattle	98104
1801 Northwest Market Street	Seattle	98107
550 - 17th Avenue	Seattle	98022
1001 - 4th Avenue Plaza	Seattle	98154
7210 Roosevelt Way Northeast	Seattle	98115
751 NE Blakely Drive	Issaquah	98029
22707 Southeast 29th Street	Sammamish	98075
3400 California Avenue SW	Seattle	98116

- Minor & James Medical, PLLC intends to establish a new practice site in Issaquah with an exempt ASC. The complete address of the practice and proposed ASC is 6505 - 226th Place Southeast in Issaquah [98027].
- The application identifies 66 physicians that would have access to the proposed ASC.
- A copy of the "Second Amended and Restated (2009) Membership Agreement of Minor & James Medical, PLLC" was provided in the application. The agreement became effective September 1, 2009.
- The "Second Amended and Restated (2009) Membership Agreement of Minor & James Medical, PLLC" [Membership Agreement] identifies Swedish MJM Holdings as an additional member of the PLLC with a 69.5% interest.
- Swedish MJM Holdings, PS has been a Washington State corporation since July 23, 2009. Governing persons are Ralph Pascualy, MD, serving as president; Warren Fein, MD serving as vice president; Elizabeth Leddy serving as secretary; and Jeffrey Veilleux serving as secretary. All four persons identify an address at 747 Broadway, in Seattle [98122].
- Procedures to be performed at the ASC include general surgery, gastroenterology, endoscopy, gynecology, maxillo-facial, orthopedic, pain management, podiatry, and urology surgical procedures.
- Minor & James Medical, PLLC does not intend to contract with a separate corporation for management services.

CONCLUSION

New health care facilities are subject to Certificate of Need review. [RCW 70.38.105(4)(a)] Facilities subject to review include ambulatory surgical facilities. [RCW 70.38.025(6)] Such facilities are defined by WAC 246-310-010(4) to mean:

[A]ny free-standing entity, including a ambulatory surgery center that operates primarily for the purpose of performing procedures to treat patients not requiring hospitalization. The term

does not include a facility in the offices of private physicians, or dentists, whether in individual or group practice, if the privilege of using the facility is not extended to physicians or dentists outside the individual of group practice.

The proposed ASC meets the definition of an ASC in the first sentence of WAC 246-310-010(4). The proposed ASC does not qualify for the exemption in the second sentence of WAC 246-310-010(4). This conclusion is based on the department's review of the Membership Agreement provided in the application. Accordingly, the ASC is subject to prior Certificate of Need review and approval before it is established. This conclusion is consistent with prior Certificate of Need decisions.

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,



Janis Sigman, Manager
Certificate of Need Program
Community Health Systems

Enclosure