



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

June 19, 2013

Brandi Johnson, COO  
Northwest Neurosciences  
3911 Castlevale Road, #301  
Yakima, Washington 98902

DOR #13-42

Dear Ms. Johnson:

The department has completed the review of your exemption request regarding the proposed construction of an ambulatory surgery center in Yakima, within Yakima 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 May 31, 2013
- Your supplemental information received via e-mail on June 19, 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**

- Northwest Neurosciences, PLLC is an active corporation that was established in March 2010 and is managed by Brandi Johnson. [source: Secretary of State website]
- Northwest Neurosciences, PLLC is registered with the Department of Revenue under UBI #602999960 [source: Department of Revenue website]
- Northwest Neurosciences, PLLC has one practice site currently located at 3199 Castlevale Road, #301 in Yakima [98902]. Northwest Neurosciences, PLLC does not have an out-of-state practice.
- The practice is owned by Eduardo Meirelles, MD and employs one additional physician. Information related to each of the physicians is listed below.

Name	Credential Status	Owner or Employee	% of Time Employed by Practice
Sunshine Brady-Thomas	Active	Employee	100%
Eduardo Meirelles	Active	Owner	100%



- As shown in the table, both physicians spend 100% of their time at the Northwest Neurosciences, PLLC practice.
- Northwest Neurosciences, PLLC intends to relocate the practice to a new site in Yakima and establish an exempt ASC at the practice site.
- The address of the new practice site is 1110 North 35<sup>th</sup> Avenue in Yakima [98902]. The exempt ASC would be located at the same site and in the same building as the practice.
- Northwest Neurosciences, PLLC has already had a technical assistance meeting with Department of Health Construction Review staff and is in the process of finalizing the relocation.<sup>1</sup>
- Northwest Neurosciences, PLLC would operate the ASC under the corporation of Northwest Neurosciences, PLLC. The ASC would operate under the name of Northwest Ambulatory Surgical Center.
- No other entity would have ownership of the proposed ASC.
- Procedures to be performed at the ASC include those surgeries typically associated with neurology, including neurosurgery. A listing of common procedures was provided with the 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 Northwest Neurosciences, 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 to a hospital for observation care.

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<sup>1</sup> CRS #60386556

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Page 3 of 3

### 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

Other Than By Mail

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

If you have any questions regarding the exemption approval, you may call me directly at 360-206-2957.

Sincerely,



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

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