



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

October 7, 2014

Robert Kenevan, MD
Avalon Clinic for Cosmetic Surgery
6103 Mount Tacoma Drive Southwest
Lakewood, Washington 98499

RE: DOR #15-13

Dear Dr. Kenevan:

The Department of Health has completed the review of your exemption request regarding the proposed ambulatory surgery center in Lakewood, within Pierce 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 August 28, 2014
- Supplemental information received September 26, 2014, and October 2, 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)
- Certificate of Need historical files

FACTS CONSIDERED

- Avalon Lakewood, PLLC has been an active Washington State corporation since December 2003. The corporation has one governing member: Robert Kenevan.
- Avalon Lakewood, PLLC is also registered with the Department of Revenue.
- Avalon Clinic for Cosmetic Surgery is not a registered corporation in Washington State.
- According to the Avalon Clinic website, Avalon Clinic has one practice site located at 6103 Mount Tacoma Drive Southwest in Lakewood, within Pierce County.
- The exemption application proposes establishment of an ASC at the practice site on Mount Tacoma Drive Southwest in Lakewood.

- The proposed ASC would be operated under the corporation known as Avalon Lakewood, PLLC.
- The exemption application identifies three physicians that would have access to the proposed ASC. The physicians are listed below.

Name	Credential Status	Practice Status
David A. Ekland	Active	100% Employee
Myles E. Goldflies	Active/on Probation	100% Employee
Louis David Potyondy	Active	80% Employee

- Dr. Potyondy is currently employed 80% with Avalon Clinic and 20% with Sonobello. Beginning December 1, 2014, Dr. Potyondy's employment will be 100% with Avalon Clinic.
- The application indicates that, as the owner of the practice and the proposed ASC, you do not intend to use the ASC.
- Procedures to be performed at the ASC are those typically associated with cosmetic plastic surgery, such as breast augmentation or reduction, rhinoplasty, and liposuction.
- The proposed ASC would not be operated under a management agreement.

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/owner or employed by Avalon Lakewood, 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 below.

<u>Mailing Address:</u>	<u>Physical Address</u>
Department of Health	Department of Health
Certificate of Need Program	Certificate of Need Program
Mail Stop 47852	111 Israel Road SE
Olympia, WA 98504-7852	Tumwater, WA 98501

Appeal Option 2:

You 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.

<u>Mailing Address:</u>	<u>Physical Address</u>
Department of Health	Department of Health
Adjudicative Service Unit	Adjudicative Service Unit
Mail Stop 47879	111 Israel Road SE
Olympia, WA 98504-7879	Tumwater, WA 98501

If you have any questions, you can e-mail me at karen.nidermayer@doh.wa.gov or call me directly at (360) 236-2957.

Sincerely,



Karen Nidermayer, Analyst
Certificate of Need Program
Community Health Systems

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