



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

February 13, 2015

Doreen Pastrana, Administrator  
Frontier Neurosurgery, PLLC  
111 South 11<sup>th</sup> Avenue, #223  
Yakima, Washington 98902

RE: DOR #15-26

Dear Ms. Pastrana:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center (ASC) in Yakima, within Yakima County. Below is the information considered and the facts 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 January 8, 2015
- Supplemental information received January 20, 2015, and February 10, 2015
- 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)
- Department of Health Construction Review Services Application
- Certificate of Need historical files

**FACTS CONSIDERED**

- Frontier Neurosurgery, PLLC has been registered with the Washington State Secretary of State's office as a professional corporation since November 17, 2010. The corporation has one governing member-Dave Atteberry.
- The corporation has been registered with the Department of Revenue since November 1, 2010.
- Frontier Neurosurgery, PLLC is a group practice with two practice sites in Yakima County. The practice sites are listed on the following page.

Address	City	Zip
111 South 11 <sup>th</sup> Avenue, #223	Yakima	98902
915 Vintage Valley Parkway, #200	Zillah	98953

- This application proposes relocation of the clinical practice in Yakima and establishment of an exempt ASC at the new practice site. The Zillah site would not be affected by this relocation.
- The address of the new site is 6101 Summitview Avenue in Yakima [98908].
- The proposed ASC would be operated under the corporation of Frontier Neurosurgery, PLLC.
- At this time, four physicians would use the ASC. Future partners or employees may have access to the ASC. Specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status
Dave Shelton Atteberry	Active	100% Owner
Jeffrey B. LeCheminant	<b>Pending</b>	100% employed
Michael GE Thomas	Active	100% employed
Hong-Vu Phan Tran	Active	100% employed

- Dr. LeCheminant's license is listed as pending. According to the Department of Health's internal database, he is in the process of obtaining his Washington State credential. Please note that Jeffrey LeCheminant cannot use the ASC until he has an 'active' Washington State physician license.
- Procedures to be performed at the ASC are those typically associated with neurosurgery. An explanation of the types of procedures was provided in the application.
- The proposed ASC would not be operated under a management agreement.
- The Department of Health's Construction Review Services office is currently reviewing the proposed surgery center for construction compliance.<sup>1</sup>

### **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.

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<sup>1</sup> CRAS #60533433.

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- 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 Frontier Neurosurgery, PLLC.
- The ASC ceases operations 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 OPTION

This decision may be appealed using the appeal option listed below.

#### Appeal Option 1:

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 below.

#### 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 regarding this decision, you can call me directly at (360) 236-2957 or e-mail me at [karen.nidermayer@doh.wa.gov](mailto:karen.nidermayer@doh.wa.gov).

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