



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

February 13, 2015

Philip Kierney, MD
Ambulatory Puyallup Surgicenter
105 – 27th Avenue Southeast
Puyallup, Washington 98374

RE: DOR #15-28

Dear Dr. Kierney:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center (ASC) in Puyallup, within Pierce 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 20, 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)
- Certificate of Need historical files

FACTS CONSIDERED

- Philip C. Kierney, MD, PS has been registered with the Washington State Secretary of State's office as a professional corporation since June 1, 1987. The corporation has one member-Philip Kierney.
- The corporation has been registered with the Department of Revenue since August 1, 1986.
- Philip C. Kierney, MD, PS has one practice site located at 105 – 27th Avenue Southeast in Puyallup, within Pierce County [98374].
- This application proposes establishment of an exempt ASC at the practice site in Puyallup.
- At this time, only the owning physician, Philip C. Kierney, MD, 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
Philip C. Kierney	Active	100% Owner

- The proposed ASC would be operated under the corporation of Philip C. Kierney, MD, PS. The surgery center would be known as ‘Ambulatory Puyallup Surgicenter.’
- Procedures to be performed at the ASC are those typically associated with cosmetic surgery, such as breast augmentation, liposuction, and face lifts. An explanation of the types of procedures was provided in the application.
- 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 Philip C. Kierney, MD, PS.
- 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.

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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.

Sincerely,



Karen Nidermayer, Analyst
Certificate of Need Program
Community Health Systems

cc: Department of Health, Investigations and Inspections Office
ASF#60101646