



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

Certificate of Need Program  
111 Israel Road Southeast – MS 4-7852  
Olympia, Washington 98504

October 21, 2015

Virginia Huang, MD  
Salmon Creek Plastic Surgery  
13712 Northeast 10<sup>th</sup> Avenue  
Vancouver, Washington 98685

RE: Determination of Reviewability #16-08

Dear Dr. Huang:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center in Vancouver, within Clark 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 exemption application received August 31, 2015
- Supplemental information received October 1, 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)
- Salmon Creek Plastic Surgery Certificate of Need facility file
- Certificate of Need historical files

**FACTS CONSIDERED**

- On August 15, 2005, the Certificate of Need Program issued a time-share ambulatory surgery center (ASC) exemption to Salmon Creek Surgical Specialists and Vancouver Ear, Nose, and Throat, Inc. The surgery center to be used by both practices was located at 14411 Northeast 20<sup>th</sup> Avenue, #107 in Vancouver, within Clark County.<sup>1</sup>
- On November 29, 2006, Salmon Creek Plastic Surgery PC was established with the Washington State Secretary of State's office. The professional corporation is governed by

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<sup>1</sup> Determination of Reviewability (DOR) #05-27.

two individuals: Richard Green, Jr. (president and chairman) and Virginia Huang (secretary and treasurer).

- Salmon Creek Plastic Surgery PC has been registered with the Washington State Department of Revenue since January 1, 2007.
- According to the exemption application, in 2009, Salmon Creek Plastic Surgery PC purchased land and built a medical office building with an attached ASC located at 13712 Northeast 10<sup>th</sup> Avenue in Vancouver [98685].
- The exemption application does not identify the date the ASC became operational at the new site; however, at that time, Salmon Creek Plastic Surgery PC should have requested a new exemption for the surgery center to be used solely by Salmon Creek Plastic Surgery PC.<sup>2</sup> This exemption application is intended to correct that omission.
- This application proposes to establish an exempt ASC under the partnership practice of Salmon Creek Plastic Surgery PC.
- The practice and the surgery center will remain at the current location of 13712 Northeast 10<sup>th</sup> Avenue in Vancouver [98685].
- The procedures proposed include those typically associated with cosmetic and reconstructive plastic surgery. The exemption application provides a listing of common procedures.
- The ASC will not be operated as a separate legal entity from Salmon Creek Plastic Surgery PC.
- No other physicians will use the surgery center.
- No management agreement 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.

- Changes in the legal structure of the practice or ASC.
- 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.

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<sup>2</sup> On January 23, 2006, Vancouver Ear, Nose, and Throat Clinic obtained a new surgery center, time-share exemption with a physician located in Vancouver-Dr. Michael Workman, MD. On August 18, 2015, the Certificate of Need Program verified that the facility continues to operate under the time-share exemption.

- 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 outside of the Salmon Creek Plastic Surgery PC practice.
- 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 OPTION

This decision may be appealed. You or any 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 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 or would like to arrange for a meeting to discuss this decision, please call me at (360) 236-2955

Sincerely,

  
Janis Sigman, Manager  
Certificate of Need Program  
Community Health Systems

cc: Department of Health, Investigations and Inspections Office