



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

August 10, 2016

Margaret Shumaker, Practice Manager
South Sound Oral Surgery PLLC
3425 Ensign Road N.E., Ste 310
Olympia, WA 98506

RE: Determination of Reviewability #16-27 – DuPont

Dear Ms. Shumaker:

The Department of Health has completed its review of your exemption request regarding the establishment of an ambulatory surgery center in DuPont, 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 March 24, 2016
- Supplemental information received May 27, 2016
- Supplemental information received August 3, 2016
- 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
- South Sound Oral Surgery, P.L.L.C. website <http://www.southsoundoralsurgery.com/>
- Department of Health external provider look-up
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- Certificate of Need historical files

FACTS CONSIDERED

- On August 10, 1995, South Sound Oral Surgery, P.L.L.C. was established as a professional limited liability corporation with the Washington Secretary of State's office. The corporation is governed by two members: Joseph Mulrean and Charles Weber. [source: Secretary of State website]
- South Sound Oral Surgery, P.L.L.C. has been registered with the Washington State Department of Revenue since September 1, 1995. [source: Department of Revenue website]

- South Sound Oral Surgery, P.L.L.C. has three practice sites, located in Olympia, DuPont, and Centralia. The practice site in DuPont is located at 1100 Station Drive Suite 181. The surgery center is located within the practice within Suite 181.
- The ASC will be operated under the practice corporation of South Sound Oral Surgery, P.L.L.C..
- Only the three owning physicians and one employed physician will use the ASC. Future owners or employees may have access to the ASC.¹ A table with specific physician credentialing information and practice association is below.

Name	Credential Status	Practice Status	Percent of Time
Joseph C Mulrean, DMD	ACTIVE	Member	100%
Charles R Weber, DMD	ACTIVE	Member	100%
Michael E Werner, DMD	ACTIVE	Member	100%
Austin J Rubel, DDS	ACTIVE	Employee	100%

- The procedures proposed include those typically associated with oral and maxillofacial surgery, including dental implants, bone grafting, repair of facial trauma, wisdom tooth removal, orthognathic surgery, treatment of TMJ disorders, sleep apnea treatment, and cleft and lip palate surgery.
- The ASC will not be operated as a separate legal entity from the South Sound Oral Surgery, P.L.L.C. practice.
- 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.

- 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.

¹ Employed physicians must be employed by the South Sound Oral Surgery, P.L.L.C. practice a minimum of 75% and perform their full range of services through South Sound Oral Surgery, P.L.L.C. practice.

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- 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 South Sound Oral Surgery, P.L.L.C.
- Use of the ASC is extended to any physician that is an independent contractor.
- The ASC obtains a new or separate Medicare certification from the clinical 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 on the following page.

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

Enclosure