



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

August 31, 2017

Mark Dedomenico, MD
Professional Recreation Organization, Inc.
4455 – 148th Avenue Northeast
Bellevue, Washington 98007

RE: Determination of Reviewability [DOR] 17-06

Dear Dr. Dedomenico:

The Department of Health (Department) has completed its review of your exemption request regarding the establishment of an ambulatory surgery center in Bellevue, within King County. For the reasons stated below, the Department concludes that you must obtain a Certificate of Need (CN) for your proposed ambulatory surgical center as required by Revised Code of Washington (RCW) 70.38.105. 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.

APPLICABLE LAW

RCW 70.38.105 requires a CN for construction, development, or other establishment of new health care facilities. RCW 70.38.025(6) includes ambulatory surgical facilities in the definition of health care facilities. Under WAC 246-310-010(5), the Department defines ambulatory surgical facilities as follows:

"Ambulatory surgical facility" means any free-standing entity, including an ambulatory surgery center, that operates primarily for the purpose of performing surgical procedures to treat patients not requiring hospitalization. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using the facility is not extended to physicians or dentists outside the individual or group practice."

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application received September 16, 2016
- Supplemental information received November 7, 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
- Washington State Secretary of State Certificate of Amendment information

INFORMATION CONSIDERED (continued)

- Department of Health external provider look-up
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- Department of Health Construction Review Services Application #60684805
- The PRO Sports Club website at www.proclub.com
- The Accreditation Association for Ambulatory Health Care (AAAHC) website at <https://eweb.aaahc.org>
- Published opinion Court of Appeals Division II, Providence Physician Services Co. v Washington State Department of Health; Rockwood Health System d/b/a Valley Hospital No. 47885-4-II.

FACTS CONSIDERED

- PRO Sports Club is a health club located in Bellevue, within King County.
- PRO Sports Club has been registered as Professional Recreation Organization, Inc. with the Secretary of State office as an active Washington State corporation since April 1984. PRO Sports Club has been registered with the Department of Revenue since July 1984.
- PRO Sports Club is registered with the Department of Revenue as a *‘fitness and recreational sports center.’*
- PRO Sports Club is not an individual or group practice of private physicians providing healthcare services; rather it is a health club with an associated Medical Spa. The Medical Spa is AAAHC¹ accredited as an OBS/Procedure center.
- PRO Sports Club and the Medical Spa are located at 4455 – 148th Avenue Northeast in Bellevue in King County.
- This exemption application requests that the Medical Spa qualify as exempt from the definition of an ambulatory surgery facility.
- The application identifies five physicians that would provide surgery at the Medical Spa. A table with specific physician credentialing information is below.

L Name / F Name	Credential Status	Credential Type	PRO Sports Club	Percent of Time
Adad, Jose Mari R.	Active	Podiatric	Employee	100%
Cohen, Gordon	Active	Physician/Surgeon	Employee	100%
Dedomenico, Mark	Active	Physician/Surgeon	Owner	100%
Levy, Daniel	Active	Physician/Surgeon	Employee	100%
Nehru, Padmini C.	Active	Physician/Surgeon	Employee	100%

- Surgeries proposed to be provided at the center include dental, gynecological, laser eye, orthopedic, otolaryngology, plastic, podiatry, primary cosmetic, general, and urology.

¹The Accreditation Association for Ambulatory Health Care (AAAHC) is a private, non-profit organization formed in 1979. AAAHC currently accredits more than 5,000 organizations in a wide variety of ambulatory health care settings, including ambulatory and surgery centers, community health centers, medical and dental group practices, medical home, and managed care organizations, as well as Indian and student health centers, among others. [source: AAAHC website]

CONCLUSION

The proposed Medical Spa at PRO Sports Center is subject to the statutory requirement to obtain a CN. It does not conform to the exception to the definition of an ambulatory surgical facility because the proposal is for a new free-standing ambulatory surgical center operating primarily for the purpose of performing surgical procedures. Further, the PRO Sports Center is not the office of private physicians; it is a recreation and fitness sports club. Therefore, you must submit a CN application if you intend to implement your proposal.

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