



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

December 7, 2012

Joyce Jackson, President & CEO
Northwest Kidney Centers
700 Broadway
Seattle, Washington 98122

Dear Ms. Jackson:

Thank you for your November 12, 2012, letter requesting a Determination of Reviewability (DOR) related to Northwest Kidney Centers (NKC) proposed relocation of Totem Lake Kidney Center. Below are the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your proposed relocation project.

FACTS

- On December 14, 1995, NKC was issued Certificate of Need (CN) #1136 approving the establishment of the 10-station dialysis center known as Totem Lake Kidney Center (TLKC). The facility became operational in April 2006 at the approved location of 12303 Northeast 130th Lane, #300 in Kirkland, within King County.
- On October 31, 2000, CN #1216 was issued to NKC approving the addition of 5 dialysis stations to TLKC, for a facility total of 15.
- TLKC has been in continuous operation at its current location since its inception in April 2006.
- On November 28, 2011, CN #1458 was issued to NKC approving the addition of 2 more stations at TLKC for a total of 17 stations.
- On October 24, 2012, CN #1491 was issued to NKC approving the addition of 3 more stations for a total of 20 stations at TLKC.
- The projects associated with CNs #1458 and #1491 are not yet complete.
- Your November 12, 2012, letter requests relocation of the 15-station Totem Lake Kidney Center in its entirety. Below is a summary of the information provided in your letter.
 - The new site is 11327 Northeast 120th Street in Kirkland [98034], within King County.
 - The current site and the new site are both located in King County planning area #6 as defined in Washington Administrative Code 246-310-280(9)(a).
 - NKC expects that the new facility would become operational in January 2014. The existing facility would cease operation once the relocated facility was operational.
 - No break in dialysis services would occur as a result of the relocation.

- The relocated facility would be built to house at least 20 dialysis stations. Initially, the 15-station facility would become operational at the new site.¹

ANALYSIS

- Revised Code of Washington (RCW) 70.38.105(4) identifies the types of projects subject to prior Certificate of Need review and approval. Subsection (a) identifies that the construction, development, or other establishment of a new health care facility is subject to CON review. RCW 70.38.025(6) defines “health care facility” to include kidney disease treatment centers.
- WAC 246-310-289 allows for relocation of a kidney disease treatment center within the same planning area [as defined in WAC 246-310-280(9)] without undergoing prior Certificate of Need review and approval, provided the following five requirements are met.
 - (a) The existing facility ceases operation;
 - (b) No new stations are added to the replacement facility;
 - (c) There is no break in service between the closure of the existing facility and the operation of the replacement facility;
 - (d) The existing facility has been in operation for at least five years at its present location; and
 - (e) The existing facility has not been purchased, sold, or leased within the past five years.

CONCLUSION

Based on the above factual information, the Certificate of Need Program concludes that the proposed relocation of the TLKC qualifies for a relocation exemption under WAC 246-310-289. You may proceed with the relocation of the 15 station TLKC without further Certificate of Need approvals.

This determination of non-reviewability does not constitute approval under any other local, federal, or state statute, or implementing rules and regulations. Examples where additional approval may be necessary include, but are not limited to, construction plan approval through the Construction Review Section of the Department of Health, facility licensing/certification through the Department of Social and Health Services or Department of Health, and other federal or local jurisdiction permits.

We monitor projects until completed or the expiration date, whichever occurs last. We do this with quarterly progress reports. Near the end of December 2012, you will receive a progress report to complete and return for this relocation project.

¹ I also understand from your November 12 letter that NKC intends to submit two separate applications to amend CNs #1458 and #1491 because of a change in the approved site and capital costs.

Joyce Jackson, President & CEO
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DOR #13-17
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APPEAL OPTIONS

This decision may be appealed. The two appeal options are listed below.

Appeal Option 1:

You or any interested or affected person may request a public hearing to reconsider this decision. The request must state the specific reasons for reconsideration in accordance with Washington Administrative Code 246-310-560. A reconsideration request must be received within 28 calendar days from the date of the decision at one of the following addresses:

Mailing Address:

Department of Health
Certificate of Need Program
Mail Stop 47852
Olympia, WA 98504-7852

Other Than By Mail

Department of Health
Certificate of Need Program
111 Israel Road SE
Tumwater, WA 98501

Appeal Option 2:

You or any affected 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 following addresses:

Mailing Address:

Department of Health
Adjudicative Service Unit
Mail Stop 47879
Olympia, WA 98504-7879

Other Than By Mail

Department of Health
Adjudicative Service Unit
111 Israel Road SE
Tumwater, WA 98501

Please call me at (360) 236-2957 if you have any questions as you proceed with the relocation.

Sincerely,



Karen Nidermayer, Analyst
Certificate of Need Program
Office of Certification and Technical Support

cc: Department of Health, Investigations and Inspections Office