



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

April 10, 2013

Carol Levy, Director of Operations  
Seattle Reproductive Medicine, Inc. PS  
1505 Westlake Avenue North, #400  
Seattle, Washington 98109

DOR #13-28

Dear Ms. Levy:

The department has completed the review of your exemption request regarding the proposed construction of an ambulatory surgery center in Seattle, within King County. Below is the information considered and the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your project.

**INFORMATION CONSIDERED**

- Ambulatory Surgery Center (ASC) exemption application submitted February 5, 2013.
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Secretary of State information obtained from its website
- Department of Revenue information obtained from its website
- Department of Health external provider look-up
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- The Certificate of Need Program's February 21, 2013, letter outlining factors that do not qualify for an exemption and an opportunity for you to revise your application.<sup>1</sup>

**FACTS CONSIDERED**

- Seattle Reproductive Medicine, Inc. PS is an active corporation governed by Nancy Klein, MD; Paul Lin, MD; Gerard Letterie, DO; and Angela Thyer, MD. [source: Secretary of State website]
- Seattle Reproductive Medicine, Inc. PS has the four practice sites in Washington State and no out of state practices. The Washington State sites are listed on the following page.

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<sup>1</sup> During our February 26, 2013, phone call, you stated that you would review the suggested revisions and determine whether you would incorporate them into your application. We also discussed that any revisions must be received in the Certificate of Need Program by 5:00pm on March 25, 2013, in order to be considered part of your exemption application. No revisions were received for your exemption application.



Address	City	Zip
<b>1505 Westlake Avenue North, #400</b>	<b>Seattle</b>	<b>98109</b>
3055 – 112 <sup>th</sup> Avenue Northeast, #201	Bellevue	98004
3209 South 23 <sup>rd</sup> Street, #350	Tacoma	98405
12333 Northeast 130 <sup>th</sup> Lane, #220	Kirkland	98034

- The practice is owned by 8 physicians and employs 4 additional physicians. Information related to each of the 12 physicians is listed below.

Name	Credential Status	Partner or Employed	% of Time Employed by Practice
Nichole Marie Barker	Active	Employed	100%
Amy R. Criniti	Active	Partner	Partner
Lynn Bentley Davis	Active	Partner	Partner
Paul S. Dudley	Active	Partner	Partner
Janet L. Kennedy	Active	Partner	Partner
Nancy Allen Klein	Active	Partner	Partner
Gerard S. Letterie	Active	Partner	Partner
Paul C. Lin	Active	Partner	Partner
Robert Dale McClure	Active	Employed	100%
Michael Roy Soules	Active	Employed	100%
Angela C. Thyer	Active	Partner	Partner
Thomas J. Walsh	Active	Employed	2%

- As shown above, 3 of the 4 employed physicians spend 100% of their time at Seattle Reproductive Medicine, Inc. PS.
- Dr. Thomas Walsh's time is spent between two practices: 2% Seattle Reproductive Medicine, Inc. PS and 98% at the University of Washington Physicians practice.
- Seattle Reproductive Medicine, Inc. PS intends to establish an exempt ASC at the practice site on Westlake Avenue North in Seattle.
- The facility would be known as Seattle Reproductive Surgery Center, LLC, and is a separate legal entity from the Seattle Reproductive Medicine, Inc. PS. practice.
- Seattle Reproductive Surgery Center, LLC is currently an active corporation with 6 governing persons. [source: Secretary of State website]
- All 12 physicians listed above would have access to the proposed ASC.
- Procedures to be performed at the ASC include those surgeries typically associated with reproductive procedures, such as hysteroscopies, testicular biopsies, and embryo transfers. A listing of typical procedures was provided within the exemption application.
- The exemption application indicates that no management agreement for the ASC is proposed.

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**CONCLUSION**

Based on the totality of information considered, the ASC would be a separate legal entity from the Seattle Reproductive Medicine, Inc. PS practice. Additionally, the majority of physician Thomas Walsh's time is spent at another practice. As a result, the proposed ASC does not qualify for an exemption from Certificate of Need review. Enclosed is a copy of the Certificate of Need rules, (WAC 246-310), regulations (RCW 70.38), and a blank application form to be completed for the ASC.

**APPEAL OPTION**

This decision may be appealed. 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 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 directly at (360) 236-2957 if you have any questions or you would like to meet to discuss this determination.

Sincerely,



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

Enclosure

cc: Department of Health, Investigations and Inspections Office #60116732  
Department of Health, Construction Review Services