



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

WASHINGTON STATE  
CERTIFICATE OF NEED PROGRAM  
Meeting Summary – Ambulatory Surgery Rule  
WAC 246-310-020

A meeting regarding the Certificate of Need (CoN) ambulatory surgery rules convened on September 16, 2015. The meeting was held at the Department of Health, 111 Israel Road SE, in Town Center 2, Conference Room 158, Tumwater, WA 98504.

PRESENT: Zosia Stanley, WSHA  
Frank Fox, Swedish/Providence  
Lisa Everson, WASCA  
Terry Hawes, ASC Compliance Solutions  
Susie Tracy, WASCA  
Michael McClain, Eveia Health Consulting  
Ana Anderson, Perkins Coie  
John Brunsman, FCA ASF  
Emily Studebaker, WASCA  
Jody Corona, HFPD

PRESENT BY  
TELEPHONE: Allen Pate, Pacific Medical Centers

STAFF PRESENT:  
Bart Eggen, Executive Director  
Janis Sigman, Program Manager  
Beth Harlow, Analyst  
Katherine Hoffman, Policy Analyst

9:10AM – Open Meeting

Agenda Item #1<sup>1</sup>

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<sup>1</sup> The agenda for the September 16, 2015 stakeholder meeting combined agenda for morning and afternoon sessions in one document, separated by topic. Agenda items are listed, and appear in this summary, numerically consistent with the combined agenda.

Welcome and introductions. Agenda introduced.

## Agenda Item #2

Review and discuss questions from 8/17/15 meeting: Katherine Hoffman

- Brief overview of meeting held 8/17/15;
- Review and discuss the following questions specific to WAC 246-310-020 resulting from 8/17/15 meeting:
- *Question:* Why did the definition of a facility change to an operating room?

*Department Response:* The department has not changed the definition of healthcare facility. An ASC is a facility with operating rooms.

- *Question:* Do criteria exist to determine whether ASF expansion qualifies as a new health care facility?

*Department Response:* Yes, if a facility expands the surgical capacity (increase in OR's).

*Question:* Does the department rely on this criterion to determine whether an ASF is subject to certificate of need review?

*Department Response:* Yes.

*Question:* When exactly is a new health care facility established?

*Department Response:* When the facility meets the definition of ASC in current rule or expands the surgical capacity by increasing the number of OR's.

- *Question:* What are the factors stakeholders and interested parties can evaluate to help them understand that this isn't a result oriented undertaking?

*Department Response:* The department did not understand this question. We request elaboration or an example.

## Agenda Item #4

Discussion related to WAC 246-310-020

Responses to Questions:

- Discussion focused on responses to questions, on the department definition of "health care facility," and the department definition of "new."

- Some participants indicated that if specific healthcare facility types became subject to certificate of need review when construction, development or other establishment of a new healthcare facilities were proposed, then all healthcare facilities should be subject to the same review. Participants indicated that proposed rule should be narrowed and specific, addressing a targeted concern with respect to particular changes and expansions.

Current OR Inventory:

- Discussion included how the department currently monitors operating room inventory.
- The department confirmed that rule will not be retroactively applied.

Proposed Language:

- Participants requested clarification from department staff regarding the proposed rule language, the existing rule, history of the rule.
- Suggestion to strike last sentence of proposed rule and add clarity to remainder of proposed language.
- Relocation to be address is methodology under RCW 246-310-270.
- Interest is to move this portion of the rule quickly.
- Department anticipates having CR 102 in place by January 2016.
- Proposed placement for language in existing rule is currently under (1)(a), as subsection (iii).

Action:

- Department will re-tool proposed language;
- Department will distribute draft language to group as quickly as possible for comment.

The meeting was adjourned at 10:15 AM.