STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 10, 2010

David Bishop, MD
ENT Facial Plastic Surgery &
Allergy of Western Washington
2820 Griffin Avenue
Enumclaw, Washington 98022

Nancy Becker, DO
Enumclaw Outpatient Surgery Center
1427 Jefferson Avenue
Enumclaw, Washington 98022

Dear Dr. Bishop and Dr. Becker:

Thank you both for your respective Ambulatory Surgery Center (ASC) Determination of Non-Reviewability (DOR) Applications received in the Certificate of Need (CN) Program office on October 6, 2009. Subsequent information was provided by Dr. Bishop on November 16, 2009. Additional historical information was obtained by the Certificate of Need Program.

Listed below are the facts relied upon by the program in reaching the conclusion regarding your requests for a time share ASC between the two practices.

FACTS-ENT Facial Plastic Surgery & Allergy of Western Washington – Dr. David Bishop

- On December 14, 2000, the Certificate of Need program granted an exemption from Certificate of Need review related to an ASC associated with the practice known as Bones and Stones, LLC. The ASC associated with the practice is Enumclaw Surgery Center. The practice is now known as ENT Facial Plastic Surgery & Allergy of Western Washington. The ASC is still known as Enumclaw Surgery Center
- In December 2000, Enumclaw Surgery Center was located at 2820 Griffin Avenue in the city of Enumclaw, within King County. The surgery center continues to be located at that site.
- In December 2000, Enumclaw Surgery Center was 100% part of the group practice known as Bones & Stones, LLC. While the group practice name has changed to ENT Facial Plastic Surgery & Allergy of Western Washington, Enumclaw Surgery Center continues to be 100% part of the group practice.
- At the time of the December 14, 2000, DOR, four physicians were part of the group practice. The four physicians were David Bishop, Charles Chu, Paul Gunderson, and Charles Russell. All four physicians were allowed access to the exempt ASC. Since the December 2000

DOR, Dr. Gunderson has retired and no longer uses the ASC. Stephen Atkinson, MD is part of the group practice and has access to the ASC.

- No other persons or practice had ownership interest in the ENT Facial Plastic Surgery & Allergy of Western Washington practice or Enumclaw Surgery Center.
- Enumclaw Surgery Center continues to operate as an exempt ASC.

FACTS-Enumclaw Outpatient Surgery Center – Dr. Nancy Becker

- On September 5, 2000, Certificate of Need # 1212 was issued to William Portuese, MD and Nancy (Johnson) Becker, DO approving the establishment of an ASC at 101 2nd Avenue Northeast in Auburn, within King County. The facility was known as Auburn Outpatient Surgery Center.
- Documentation obtained by the Certificate of Need Program demonstrates that Auburn Outpatient Surgery Center closed on November 1, 2009.
- Dr. Nancy Becker's practice has relocated to 1427 Jefferson Avenue in Enumclaw.

FACTS--PROPOSED TIME-SHARE ASC

- Dr. Bishop and Dr. Becker each submitted a request to establish a timeshare relationship at the Enumclaw Surgery Center site at 2820 Griffin Avenue in Enumclaw.
- Dr. Bishop provided a timeshare agreement outlining specifics of the arrangement.
- Dr. Becker did not provide a timeshare agreement.[1]
- Dr. Bishop's practice is located at the 2820 Griffin Avenue site in Enumclaw; Dr. Becker's practice is located at a different site in Enumclaw [1427 Jefferson Avenue].

CONCLUSION

Based on the above factual information provided within the respective applications, the establishment of a timeshare ASC between David Bishop, MD, and Nancy Becker, DO does not qualify for an exemption under Certificate of Need rules, and is subject to prior Certificate of Need review and approval.

As a result, Dr. Bishop may continue to operate Enumclaw Surgery Center as an exempt ASC. Dr. Becker does not have an exempt ASC. Since Auburn Outpatient Surgery Center closed on November 1, 2009, Dr. Becker no longer has a CN approved ASC.

Enclosed is a copy of the Certificate of Need rules, (WAC 246-30), regulations (RCW 70.38), and a blank application form should you wish to pursue this project.

[1] A copy of the timeshare agreement must be provided before the DOR can be evaluated. Dr. Becker did not provide the timeshare agreement and did not respond to three separate requests to provide additional clarification on the proposed project.

Please call me at (360) 236-2957 if you have any questions regarding this determination.

Sincerely,

Karen Nidermayer

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

Enclosure

cc: Department of Health, Investigations and Inspections Office