



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

November 7, 2013

Gavin Dry, MD  
Gavin Dry, MD, PLLC  
13114 – 120<sup>th</sup> Avenue Northeast  
Kirkland, Washington 98034

Dear Dr. Dry:

RE: DOR 13-43

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

**INFORMATION CONSIDERED**

- Ambulatory Surgery Center exemption application submitted June 3, 2013
- Supplemental information submitted on June 12 and November 7, 2013
- 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
- Department of Health external provider look-up
- Department of Health Integrated Licensing and Regulatory System (ILRS)

**FACTS CONSIDERED**

- On April 4, 2001, you established a practice corporation with the Washington Secretary of State's office. The corporation name is 'Gavin Dry, MD, PLLC.' [source: Secretary of State website]
- On July 1, 2001, you registered your corporation with the Washington Department of Revenue. [source: Department of Revenue website]
- You operate a solo clinical practice under the corporation that is located at 13114 – 120<sup>th</sup> Avenue Northeast in Kirkland [98034].
- You established an ambulatory surgery center (ASC) at the same site. The ASC is located in dedicated space with the clinical practice.
- The ASC is operated under the practice corporation of Gavin Dry, MD, PLLC.



- At this time, only you intend to use the ASC. Future owners or employees may have access to the ASC. Specific physician credentialing information is below.

Name	Credential Status	Practice Status
Gavin M. Dry	Active	Owner

- The procedures include those typically associated with reconstructive and aesthetic plastic surgery.
- The ASC will not be operated as a separate legal entity from the corporation or practice of Gavin Dry, MD, PLLC.
- No management agreement is proposed.

**CONCLUSION**

Based on the totality of information considered, the department concludes the proposed ASC would be exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this proposed ASC are based on the facts about this facility and it should not be assumed the department would reach the same conclusion in future exemption requests for other future ASCs.

If changes are made in the operation or ownership of this proposed ASC, the ASC may no longer be eligible for this exemption. In that case, prior Certificate of Need review and approval or new exemption would be required. Examples of such changes include the following. This list is not intended to be all inclusive.

- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The provision of any procedure as identified under WAC 246-310-705(4).
- The ASC is operated under a management agreement.
- The ASC is organized as a separate legal entity from the practice.
- The ASC is moved to a different site than identified in the exemption application.
- Use of the ASC is extended to any physician who is not a member or employed by Gavin Dry, MD, PLLC.
- The ASC ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASC.
- The ASC or the practice is purchased or leased.
- ASC patients are routinely transferred from the ASC for observation care at one of the area's hospitals.

**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 addresses below.

<u>Mailing Address:</u>	<u>Other Than By Mail</u>
Department of Health	Department of Health
Certificate of Need Program	Certificate of Need Program
Mail Stop 47852	111 Israel Road SE
Olympia, WA 98504-7852	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 addresses below.

<u>Mailing Address:</u>	<u>Other Than By Mail</u>
Department of Health	Department of Health
Adjudicative Service Unit	Adjudicative Service Unit
Mail Stop 47879	111 Israel Road SE
Olympia, WA 98504-7879	Tumwater, WA 98501

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

Sincerely,



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

cc: Department of Health, Investigations and Inspections Office  
ASF#60102710  
Department of Health, Construction Review Services  
CRS #60353732