



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

Certificate of Need Program  
111 Israel Road Southeast – MS 4-7852  
Olympia, Washington 98504

July 12 2018

Zachary Fisk, MD  
Acute Pain Management, PLLC  
1310 – 116th Avenue NE, Ste A  
Bellevue, WA 98004

RE: Determination of Reviewability #18-18

Dear Dr. Fisk:

The Department of Health has completed its review of your exemption request regarding Acute Pain Management, PLLC. For the reasons stated below, Acute Pain Management, PLLC located at 1310 – 116th Avenue NE, Suite A in Bellevue [98004] does not meet the definition of an ASF requiring a Certificate of Need. This facility will be available to offer surgical services and operate as an ASF from 7:30 AM to 10:30 AM on weekdays. The facility will operate exclusively as a clinic from 10:30 AM to 6:00 PM on weekdays.

Below is the information considered and the facts relied upon by the Department of Health's Certificate of Need Program in reaching its conclusion regarding your project.

**INFORMATION CONSIDERED**

- Ambulatory Surgery Center (ASC) exemption application received February 20 15, 2018
- Supplemental information received April 11, 2018; April 24, 2018; May 24, 2018; July 2, 2018
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Department of Health's Office of Community Health Systems Interpretive Statement #CN 01-18
- Washington Secretary of State and Department of Revenue information obtained from the respective websites
- Department of Health Integrated Licensing and Regulatory System (ILRS)
- Acute Pain Management, PLLC website: <https://acutepaintherapies.com/>
- Certificate of Need historical files

**FACTS CONSIDERED**

- Acute Pain Management, PLLC has been registered with the Washington Secretary of State's office since June 2016. The professional service corporation is governed by Dr. Zachary Fisk, MD.
- Acute Pain Management, PLLC has been registered with the Department of Revenue since January 2017.
- Acute Pain Management, PLLC does business as Acute Pain Therapies
- Acute Pain Therapies is located at 1310 – 116th Avenue NE, Suite A in Bellevue [98004]

**FACTS CONSIDERED, CONTINUED**

- At the time of this decision, one physician intends to use the ASF. Future owners or employees may have access to the surgery center. Specific physician credentialing information and practice association is in the table below.

<b>Name</b>	<b>Credential Status</b>	<b>Practice Status</b>	<b>Percent of Time</b>
Zachary Fisk, MD	Active	Owner	100%

- Acute Pain Therapies has two operating rooms.
- The ambulatory surgical portion of the business will not be operated as a separate legal entity from the Acute Pain Therapies clinical practice.
- Clinical and surgical services provided at Acute Pain Management, PLLC include those typically associated with interventional pain management. A listing of common interventional pain surgical services was included in the determination of non reviewability application.
- The facilities' hours of operation are Monday through Friday from 7:30 am to 6:00 pm, for a total of 10.5 hours per day and 52.5 hours per week. The surgery center will only be available from 7:30 AM until 10:30 AM, for a maximum of 15 hours per week..
- No management agreement is proposed.

**CONCLUSION**

Based on the totality of information considered, the department concludes Acute Pain Management, PLLC is exempt from Certificate of Need review. This exemption is not transferable and the conclusions reached concerning this ASF 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 ASFs.

**CHANGES THAT MAY EFFECT THIS DECISION**

If changes are made in the operation or ownership of Acute Pain Management, PLLC, the ASF 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.

- Changes in hours or days the site is used exclusively as an ASF.
- The scope of services is expanded to include services subject to Certificate of Need review under the provisions of WAC 246-310-020.
- The number of operating rooms increases beyond two.
- The scope of services is expanded beyond the services as identified in the Certificate of Need exemption application.
- The provision of any procedure as identified under WAC 246-310-705(4).
- Acute Pain Management, PLLC is operated under a management agreement.
- Acute Pain Management, PLLC is organized as a separate legal entity from the practice or obtains a separate UBI number from Acute Pain Management, PLLC
- Acute Pain Management, PLLC - Seattle is moved to a different site than identified in the exemption application.

**CHANGES THAT MAY EFFECT THIS DECISION, CONTINUED**

- Use of the Acute Pain Management, PLLC is extended to any physician who is not a member/owner or employed by Acute Pain Management, PLLC.<sup>1</sup>
- Use of the Acute Pain Management, PLLC is extended to any physician that is an independent contractor.
- Acute Pain Management, PLLC obtains a new or separate Medicare certification from the clinical practice.
- Acute Pain Management, PLLC ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASF.
- Acute Pain Management, PLLC or the practice is purchased or leased.
- A joint venture is formed that includes the ASF.
- Acute Pain Management, PLLC patients are routinely transferred from the ASF for observation care at one of the area's hospitals.

**APPEAL OPTION**

This decision may be appealed. You or any 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 listed on the following page.

Mailing Address:

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

Physical Address

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

If you have any questions or would like to arrange for a meeting to discuss this decision, please call me at (360) 236-2955.

Sincerely,



Janis Sigman, Manager  
Certificate of Need Program  
Community Health Systems

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<sup>1</sup> Employed physicians must be employed by Acute Pain Management, PLLC a minimum of 75% and perform their full range of services through Acute Pain Management, PLLC.