



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

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

October 11, 2018

Erica Bustamante
Northwest Neurosciences, PLLC
1110 N. 35th Avenue
Yakima, WA 98902

RE: Determination of Reviewability #19-02

Dear Ms. Bustamante:

The Department of Health has completed its review of your exemption request regarding Northwest Neurosciences, PLLC dba Northwest Spine Center ambulatory surgery center to be located in Bellevue within east King County. For the reasons stated below, Northwest Neurosciences, PLLC dba Northwest Spine Center would be located at 1603 –116th Avenue NE, Suite 112 in Bellevue [98004]. Northwest Neurosciences, PLLC dba Northwest Spine Center will provide surgical procedures every other Friday from 1:00 p.m. to 5:00 p.m. for total of 5 hours every other week; and it will also operate as a clinical practice every other Thursday from 10:00 a.m. to 5:00 p.m. and every other Friday from 9:00 a.m. to 12:00 p.m. for total of 10 hours therefore, it does not meet the definition of an ASF requiring a Certificate of Need.

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

INFORMATION CONSIDERED

- Ambulatory Surgery Center (ASC) exemption application received August 31, 2018
- Supplemental information received October 4, 2018.
- Revised Code of Washington (RCW) 70.38
- Washington Administrative Code (WAC) 246-310
- Department of Health 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)
- Pacific Cataract and Laser Institute website: <http://www.nwspinecenter.com>
- Certificate of Need historical files

FACTS CONSIDERED

- Northwest Neurosciences, PLLC dba Northwest Spine Center has been registered with the Washington Secretary of State's office since 2010.

- Northwest Neurosciences, PLLC dba Northwest Spine Center has been registered with the Department of Revenue since 2016.
- Northwest Neurosciences, PLLC dba Northwest Spine Center is located at 1603—116th Avenue NE in Bellevue [98004].
- Northwest Neurosciences, PLLC dba Northwest Spine Center would be co-located with an existing spine center clinic.
- Based on the line drawing submitted, Northwest Neurosciences, PLLC dba Northwest Spine Center has one operating room and one exam room. The exam room space will be shared by Northwest Neurosciences, PLLC dba Northwest Spine Center and the existing spine center clinic.
- The exam room space will be used for the following:
 - Room patients
 - Obtain vitals
 - Obtain procedure consent
 - Patient to change
- The operating/procedure room will only be used by Northwest Neurosciences, PLLC dba Northwest Spine Center to provide interventional spine procedures.
- Northwest Neurosciences, PLLC dba Northwest Spine Center is 100% owned by Dr. Eduardo Meirelles and he is the only physician who will use the ASF. Future owners or employees may have access to the surgery center.¹ Below is a table with Dr. Eduardo Meirelles credentialing information and practice status.

Name	Credential Status	Practice Status	Percent of Time
Eduardo Meirelles, MD	Active	Owner	100%

- The procedures provided at Northwest Neurosciences, PLLC dba Northwest Spine Center include those typically associated with degenerative spine conditions, low back pain, neck pain, and spine related neurological deficits. A listing of common procedures was included with the application.
- The ASF will not be operated as a separate legal entity from Northwest Neurosciences, PLLC dba Northwest Spine Center.
- Northwest Neurosciences, PLLC dba Northwest Spine Center ASF hours of operation is every other Friday from 1:00 p.m. to 5:00 pm for a total of 5 hours every other week. The clinic is open Thursday from 10:00 am to 5:00 pm; and on Friday from 9:00 am to 12:00 pm for a total of 10 hours every other week.
- No management agreement is proposed.
- Northwest Neurosciences, PLLC dba Northwest Spine Center will apply for a license for the ASF.

¹ Employed physicians must be employed by Northwest Neurosciences, PLLC a minimum of 75% and perform their full range of services through Northwest Neurosciences, PLLC.

CONCLUSION

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

CHANGES THAT MAY AFFECT THIS DECISION

If changes are made in the operation or ownership of this proposed ASF, the ASF may no longer be eligible for this exemption. In that case, prior Certificate of Need review and approval or new exemption may 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 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 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).
- The ASF is operated under a management agreement.
- The ASF is organized as a separate legal entity from the practice or obtains a separate UBI number from Northwest Neurosciences, PLLC dba Northwest Spine Center.
- The ASF is moved to a different site than identified in the exemption application.
- Use of the ASF is extended to any physician who is not a member/owner or employed by Northwest Neurosciences, PLLC dba Northwest Spine Center.²
- Use of the ASF is extended to any physician that is an independent contractor.
- The ASF obtains a new or separate Medicare certification from the clinical practice.
- The ASF ceases operations or relinquishes its Medicare certification and then chooses to resume services as an ASF.
- The ASF or the practice is purchased or leased.
- A joint venture is formed that includes the ASF.
- ASF 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.

² Employed physicians must be employed by Northwest Neurosciences, PLLC dba Northwest Spine Center a minimum of 75% and perform their full range of services through Northwest Neurosciences, PLLC dba Northwest Spine Center.

Erica Bustamante
Northwest Neurosciences, PLLC
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October 11, 2018
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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 our decision, please contact me at (360) 236-2955.

Sincerely,



Janis Sigman, Manager
Certificate of Need Program
Community Health Systems