



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
*Olympia, Washington 98504*

**November 2, 2022**

Derek Mitchell, Owner  
Mitchell Property Investments, LLC  
2107 Cooks Hill Road  
Centralia, WA 98531  
*Sent via email: [gustanini23@yahoo.com](mailto:gustanini23@yahoo.com)*

**RE: Determination of Reviewability #22-25 – Department’s Decision**

Derek Mitchell:

The Department of Health has completed its review of the determination of reviewability request submitted by Mitchell Property Investments, LLC, dba Central Spine and Pain Ambulatory Surgery. The request proposes exemption from Certificate of Need review for the establishment of an ambulatory surgery center (ASC) in Centralia, within Lewis County.

**BACKGROUND AND FACTS**

The following information was considered during the review process, and is recorded here for historical purposes:

- Mitchell Property Investments, LLC is a Washington professional service corporation with the unified business identifier [UBI] 604 702 919.
- Central Spine and Pain, LLC is a Washington professional limited liability company with the unified business identifier [UBI] 604 703 913.
- Both Mitchell Property Investments, LLC and Central Spine and Pain, LLC are currently owned and governed by Derek Mitchell and Amanda Mitchell.<sup>1</sup>
- The use of the ASC will be limited to member or employee-physicians of Mitchell Property Investments, LLC. Revenues or visits used to determine primary purpose have been limited to those members.
- Clinical and surgical services to be provided at Mitchell Property Investments, LLC dba Central Spine and Pain Ambulatory Surgery will be limited to pain management.

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<sup>1</sup> Washington Secretary of State [website](#)

- The surgery center will have 1 operating room.<sup>2</sup>

### **PROJECT SUMMARY**

Mitchell Property Investments, LLC will own and operate both the clinical practice and surgery center at the following location: 2107 Cooks Hill Road, Centralia, WA [98531], within Lewis County. Central Spine and Pain LLC will provide the clinical services, and Mitchell Property Investments, LLC, dba Central Spine and Pain Ambulatory Surgery will provide surgical procedures and therapies for patients of this facility.

The proposed ASC, Central Spine and Pain Ambulatory Surgery, would be attached to Central Spine and Pain, LLC. Both Central Spine and Pain LLC and Central Spine and Pain Ambulatory Surgery are not yet operational, with an anticipated operation date of January 2024.

### **RELEVANT CRITERIA**

The department reviews requests for compliance with the following:

- Applicable sections of both [chapter 70.38 RCW](#) and [chapter 246-310 WAC](#); and
- The [Washington State Department of Health's Interpretive Statement CN 01-18](#)<sup>3</sup>

### **THE PRIMARY PURPOSE OF THE FACILITY**

- The anticipated revenue from surgical services provided at the surgery center will be approximately 33.4% of the total revenue generated by the facility.
- The anticipated patient visits for surgical services provided at the surgery center will be approximately 29.9% of the total patient visits to the facility.

To help define the assumptions behind these projections, the applicant provided this summary: *“After reviewing the WAC guidelines for “surgical services”, patients that undergo procedures with sedation or local infiltration will be counted as Central Spine and Pain Surgical Center surgical services/visits. Patients seen for new evaluations, re-evaluations, post-physical therapy visits, visits to order imaging/review imaging, pre-radiofrequency ablation visits and post-treatment visits will be considered as ASF clinic visits/services.”*

### **CONCLUSION**

Based on the totality of information in the request for determination of reviewability and resulting research, the department concludes that the operation of Central Spine and Pain Ambulatory Surgery, to be located at 2107 Cooks Hill Road, Centralia, WA [98531], within Lewis County **does not** require a Certificate of Need at this time.

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<sup>2</sup> For certificate of need purposes, operating and procedure rooms are both defined as operating rooms.

<sup>3</sup> Approved by the Washington State Secretary of Health, John Wiesman, DrPH, MPH, effective January 19, 2018

**CHANGES THAT MAY AFFECT THIS DECISION**

A facility can make changes that may impact the primary purpose of the facility, such as if the revenues or patient visits related to surgical services begin to regularly exceed half of the facility's operations. Changes, including but not limited to the following, will likely either prompt Certificate of Need review or necessitate a new determination of reviewability:

- A change of ownership;
- Operational changes;
- Expansion of services;
- The addition of operating rooms;
- A change in location; or
- If the physicians or the use of the facility changes which results in different total revenues or visits.

**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 chapter 34.05 RCW and WAC 246-310-610. A request for an adjudicative proceeding must be received within the 28 days at one of the following addresses.

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 determination, please call (360) 236-2955.

Sincerely,



Eric Hernandez, Program Manager  
Office of Community Health Systems