

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

September 29, 2008

**Certified, Return Receipt Requested**

John Bursell, M.D.  
3220 Hospital Drive  
Suite 101,  
Juneau, Alaska 99801

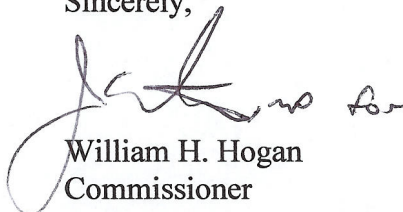
Dear Dr. Bursell:

Thank you for your letter of July 24, 2008 and subsequent correspondence regarding the determination of whether a certificate of need (CON) is required for the development of a Class B ambulatory surgery suite located at 3200 Hospital Drive, Juneau, that will be used exclusively for pain management services. I have determined that a certificate of need is not required under 7 AAC 07.031 based on the following information:

1. The proposed Ambulatory Surgery Center (ASC) is a health care facility that is reviewable by the CON program if the cost of the project meets the \$1.2 million dollar threshold under AS 18.07.031;
2. A certified cost estimate for the project was provided by Joann Lott on September 3, 2008. The total cost estimate provided of \$669,260 is below the current dollar threshold that requires submission of a Certificate of Need application under AS 18.07.031;
3. The ASC is an entirely separate entity from Juneau Bone and Joint Center and is not affiliated with it; and
4. The facility will be built to specifications of a Class B ambulatory surgery center and will be used exclusively for pain management services.

If plans change regarding the size and use of the facility, or if the owners choose to affiliate with Juneau Bone and Joint Center, or organize into a multi-service entity so that additional services are offered other than pain management, and costs are incurred that total more than the CON threshold, this office must be notified since a Certificate of Need may be required. If you are dissatisfied with this determination you may request reconsideration under 7 AAC 07.033, or may appeal the decision under 7 AAC 07.080. An appeal or request for determination must be postmarked no later than 30 days after publication of the public notice.

Sincerely,



William H. Hogan  
Commissioner