

**MINUTES**  
**STATE HEALTH FACILITIES COUNCIL**  
**JUNE 3, 2009**  
**ROOM 518**  
**LUCAS STATE OFFICE BUILDING**  
**321 EAST 12<sup>TH</sup> STREET**  
**DES MOINES, IOWA**  
**ELECTRONIC MEETING**

This electronic meeting of the State Health Facilities Council was held in accord with section 21.8 of the Code of Iowa entitled "Electronic Meetings." The Code states that a governmental body may conduct a meeting by electronic means only if circumstances are such that a meeting in person is impossible or impractical, and if the governmental body complies with the provisions of section 21.8. It was impractical for the Council to hold an in-person meeting to discuss this rehearing application because of the expense in assembling the Council in person, time commitments of the Council members, and the anticipated short nature of the meeting. This electronic meeting was held in Conference Room #518, 5<sup>th</sup> Floor, Lucas Building. Notices and agendas were posted in the building and on the CON web page.

**I. 7:30 AM ROLL CALL**

**MEMBERS PRESENT VIA PHONE:** Chuck Follett, Vice-Chairperson, Karen Hope, Marc Elcock, Suki Cell and Cynthia Beauman.

**STAFF PRESENT:** Barb Nervig and Heather Adams, Counsel for the State.

**OTHERS PRESENT:** Robert Baudino, Jr. and David Darrell of the Baudino Law Firm, representing the petitioner; Ed McIntosh of Dorsey & Whitney representing SunnyBrook Living Care Center, LC and Doug Gross of Brown Winick representing Arbor Court Fairfield.

**II. REQUEST FOR REHEARING**

1. In the matter of the application of Arbor Court Fairfield, Jefferson County to develop a 65-bed nursing facility at an estimated cost of \$2,300,000. The Council approved this project on January 29, 2009 and issued the written decision on April 27, 2009.

On May 15, 2009, a timely request for rehearing was filed by Parkview Care Center, an affected party who participated in the formal review procedure.

The Council discussed each potential ground for rehearing as listed in the request for rehearing.

A motion by Hope, seconded by Cell, to DENY a rehearing carried 4-0. Beauman abstained.

2. In the matter of the application of SunnyBrook Living Care Center, LC, Jefferson County to acquire the Jefferson County Hospital building, including the 36-bed long-term care unit and add 50 nursing facility beds for the establishment of an 86-bed nursing facility at an estimated cost of \$2,743,080. The Council approved this project on January 29, 2009 and issued the written decision on April 27, 2009.

On May 15, 2009, a timely request for rehearing was filed by Parkview Care Center, an affected party who participated in the formal review procedure.

The Council discussed each potential ground for rehearing as listed in the request for rehearing.

A motion by Follett, seconded by Cell, to DENY a rehearing carried 4-1. Beauman voted no.

The meeting was adjourned at 8:00 AM.



