

**MINUTES
STATE HEALTH FACILITIES COUNCIL
JUNE 29, 2007
ROOM 518
LUCAS STATE OFFICE BUILDING
321 EAST 12TH 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, 5th Floor, Lucas Building. Notices and agendas were sent to the news media, and posted in the building and on the CON web page.

I. 11:00 AM ROLL CALL

MEMBERS PRESENT VIA PHONE: Sid Scott, Vice-Chairperson, Karen Hope, Chuck Follett, Marc Elcock and Suki Cell.

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

OTHERS PRESENT: Doug Fulton of Bradshaw Law, representing the applicant; and Ed McIntosh of Dorsey & Whitney representing Select Medical Corporation.

II. REQUEST FOR REHEARING

In the matter of the application of Regency Hospital of Council Bluffs, Pottawattamie County to develop a 35-bed long-term acute care hospital within a hospital at Jennie Edmundson Hospital at an estimated cost of \$3,015,456. The Council denied this project on April 17, 2007. The written findings and decision were issued May 31, 2007.

The applicant, Regency Hospital of Council Bluffs, filed a request for rehearing on June 15, 2007, within 20 calendar days after the date of the issuance of the final decision.

The chair asked for any conflicts of interest and none were declared. The Council discussed each potential ground for rehearing as listed in the request for rehearing and posed questions to those present to clarify the written submittals.

A motion by Follett to grant a rehearing failed for a lack of second.

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

III. REQUEST FOR DETERMINATION OF NON-REVIEWABILITY AND THE DEPARTMENT'S RESPONSE

MedCath Partners, LLC: Construction of angiography suite in a physician's office - \$750,000.

This item was deferred to a future meeting to allow the Department additional time to review recently submitted information pertinent to this matter.

IV. ELECTION OF VICE-CHAIRPERSON

This item was deferred to a future meeting, awaiting the appointment of a chairperson by the Governor.

**IOWA DEPARTMENT OF PUBLIC HEALTH
STATE HEALTH FACILITIES COUNCIL**

IN THE MATTER OF THE APPLICATION FOR REHEARING)
ON THE CERTIFICATE OF NEED FOR)
REGENCY HOSPITAL OF COUNCIL BLUFFS)
COUNCIL BLUFFS, IOWA)

DECISION

This matter came before the State Health Facilities Council on Friday, June 29, 2007.

The project, the establishment of a 35-bed long-term acute care hospital within a hospital at Jennie Edmundson Hospital at an estimated cost of \$3,015,456, was originally denied on April 17, 2007.

Written findings were issued May 31, 2007. The applicant, Regency Hospital of Council Bluffs, filed an application for rehearing on June 15, 2007, within 20 calendar days after the date of the issuance of the final decision.

The record includes the original application, the Council's decision dated May 24, 2007, a written request for rehearing and one written resistance to the rehearing.

The applicant was represented by Doug Fulton of Bradshaw Law. Also present was Ed McIntosh of Dorsey & Whitney representing Select Medical Corporation.

The Council, after reading the request for rehearing and the resistance and posing questions to the applicant's representative and the resistor's representative, concluded that none of the grounds for rehearing contained at 641 IAC 202.9 had been satisfied. The Council therefore voted 4-1 to Deny a Rehearing.

Dated this _____ day of June 2007

Sidney W. Scott, Vice-Chairperson
State Health Facilities Council
Iowa Department of Public Health