

**MINUTES  
STATE HEALTH FACILITIES COUNCIL  
MARCH 31, 2005  
ROOM 422  
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 #422, 4<sup>th</sup> Floor, Lucas Building. Notices and agendas were sent to the news media, and posted in the building and on the CON web page.

**I. 9:00 AM ROLL CALL**

**MEMBERS PRESENT VIA PHONE:** Ed Nichols, Chairperson, Sid Scott, Gary Butz, Cynthia Beauman and Karen Hope.

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

**OTHERS PRESENT:** Doug Fulton of Bradshaw Law, representing the applicant; Doug Gross and Deb Schmudlach of Brown, Winick representing St. Luke’s Medical Center in Cedar Rapids and Ed McIntosh of Dorsey & Whitney representing Mercy Medical Center—Cedar Rapids.

**II. REQUEST FOR REHEARING**

In the matter of the application of [Advanced Surgery Center, Cedar Rapids, Linn County](#) to establish an ambulatory surgery center at an estimated cost of \$81,000; the Council denied the original application for a CON on January 19, 2005. The written findings and decision were issued March 3, 2005.

The applicant, Advanced Surgery Center, filed a request for rehearing on March 15, 2005, 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 Iowa Administrative Code 641—202.9(2) and posed questions to those present to clarify the written submittals.

A motion by Scott, seconded by Beauman, to DENY a rehearing carried 5-0.

