

MINUTES
STATE HEALTH FACILITIES COUNCIL
SEPTEMBER 23, 2004
LUCAS STATE OFFICE BUILDING
321 EAST 12TH STREET
FOURTH FLOOR, ROOM 424
DES MOINES, IOWA

I. 12:00 NOON ROLL CALL

MEMBERS PRESENT: Ed Nichols, Chairperson, Gary Butz, Cynthia Beauman, Joan Koenigs and Sid Scott.

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

II. PROJECT REVIEW

There is a legislated limit on the number of ICF/MR beds allowed statewide. Only four beds remain under that limit. Since the total number of beds requested by the following three applicants exceeds four, it was announced that all three projects would be heard prior to taking a motion or vote on any of them.

1. Hills and Dales Child Development Center, Dubuque, Dubuque County: Add 4 Intermediate Care Facility for the Mentally Retarded (ICF/MR) Beds – No Cost.

Staff report by Barb Nervig. The applicant was represented by Marilyn Althoff, Jeffrey Cooper, Kris Kurt, Kathy Billmeyer, Amy Rave, Jodi Knutz and Jodi Ruden. Jerry Miclot appeared on behalf of his son Luke, also present, who is a resident at Hills and Dales. The applicant made a presentation and answered questions posed by the Council.

A motion by Beauman, seconded by Koenigs, to Grant a Certificate of Need carried 5-0.

2. G & G Living Centers, Inc., Guttenberg, Clayton County: Add 4 Intermediate Care Facility for the Mentally Retarded (ICF/MR) Beds -- \$142,275.

Staff report by Barb Nervig. The applicant was represented by Tom Steinback. The applicant made a presentation and answered questions posed by the Council.

A motion by Koenigs, seconded by Butz, to DENY a Certificate of Need carried 5-0.

3. Community Care, Inc., Charlotte, Clinton County: Add 1 Intermediate Care Facility for the Mentally Retarded (ICF/MR) Bed – No Cost.

Staff report by Barb Nervig. The applicant was represented by Denise Beenk. The applicant made a presentation and answered questions posed by the Council.

A motion by Beauman, seconded by Scott, to DENY a Certificate of Need carried 5-0.

The following individuals were present for the discussion of proposed amendments to the Iowa Administrative Code: Ed McIntosh of Dorsey & Whitney; Jim Pomeroy of Select Medical Corporation; Michele Dane of Genesis Health System; Denise Hill of the Iowa Medical Society; and Deb Schmudlach representing Iowa Health System.

III. REVIEW COMMENTS AND DISCUSS ADMINISTRATIVE RULES FOR NOTICE OF INTENDED ACTION, IAC 641—202

Regarding Item 1 in the proposed amendments, staff recommends changing “certified” to “comprehensive” in new letter “b” per the comment received from the Iowa Hospital Association.

Regarding Item 2 in the proposed amendments, Nervig summarized her reply to Representative Eichhorn’s questions on relocation that were similar to the issues raised by Doug Gross in his written comments. Staff recommended that the proposed language on relocation remain as originally written.

Regarding, Item 3 in the proposed amendments, four separate comments regarding the proposed change to 202.3(2) were received. Each commenter felt our proposed change exceeded the authority granted in the Code. However, each had a different viewpoint on how or why the change was beyond the scope of the administrative rules process. Staff therefore recommended that a Code amendment to provide clarification to section 135.63(2)“o” should be pursued.

A motion by Koenig, seconded by Scott to proceed with Item 1, as amended, and Item 2 for adoption, deleting Item 3, carried 5-0.

Deb Schmudlach and Denise Hill both expressed support for this action.

IV. REVIEW AND DISCUSS PETITION FOR RULE-MAKING REGARDING LONG-TERM ACUTE CARE HOSPITALS, IAC 641—202.1(9)

Adams summarized the petition for rulemaking. Ed McIntosh, representing Select Medical Corporation, the petitioner, and Jim Pomeroy of Select Medical Corporation commented on the petition. Deb Schmudlach expressed the support of Iowa Health System for the petition. Staff recommended that definitions for long-term care hospital and rehabilitation hospital be added to the rules if the Council recommends proceeding with the amendment as petitioned.

A motion by Koenigs, seconded by Beauman recommending that the Department proceed with the rulemaking, including the addition of definitions, carried 5-0.

V. APPROVE MINUTES OF PREVIOUS MEETING (JUNE 30, 2004)

A motion by Scott, seconded by Beauman to approve the minutes as written was passed by voice vote.

The meeting was adjourned at 4:40 PM.