

MINUTES
STATE HEALTH FACILITIES COUNCIL
Friday, October 6, 2017
Lucas State Office Building
321 East 12th Street
Room 518
Des Moines, Iowa

Electronic Meeting

This electronic meeting of the State Health Facilities Council was held in accordance with Iowa Code section 21.8 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 access is provided to the public. An in-person meeting of the Council to handle this limited agenda was impractical due to the schedules of the Council members and the resources of the Department. This electronic meeting originated in Room 518 at the Lucas State Office Building, 321 E. 12th Street, Des Moines and public access to the meeting was provided at this location. Notices and agendas were posted in the building and posted on the Department’s web site under the Certificate of Need Program.

9:05 AM ROLL CALL

MEMBERS PRESENT VIA PHONE: Dr. Harold Miller, Chairperson; Roberta Chambers; Brenda Perrin; Connie Schmett and Roger Thomas

STAFF PRESENT: Becky Swift and Nathan Wilson (present in conference room)

STAFF PRESENT VIA PHONE: Heather Adams, Counsel for the State

OTHERS PRESENT: David Darrell, Baudino Law Group (present in conference room)

OTHERS PRESENT VIA PHONE: Ed McIntosh, Dorsey & Whitney representing Mercy Medical Center; Doug Gross, Brown Winick Law representing St. Luke’s Cedar Rapids and Surgery Center Cedar Rapids; and Doug Fulton, Brick Gentry P.C. and Dr. Lee Birchansky representing Fox Eye Surgery LLC.

I. REQUEST FOR REHEARING

In the matter of the application of Fox Eye Surgery, LLC to establish an ambulatory surgery center. The Council approved this project on July 19, 2017. A written decision was dated August 24, 2017, and issued on August 28, 2017. Two requests for rehearing were filed by affected parties of record on September 18, 2017, within 20 days after the issuance of the final decision.

The petitioners, Mercy Medical Center in Cedar Rapids, was represented by Ed McIntosh of Dorsey & Whitney and St. Luke’s Hospital, Cedar Rapids and Surgery Center Cedar Rapids, were represented by Doug Gross of Brown Winick. The applicant, Fox Eye

Surgery LLC., was represented by Doug Fulton of Brick Gentry P.C. and Dr. Lee Birchansky.

The chairperson granted each party 15 minutes for oral argument regarding the rehearing request.

Following discussion, a motion by Perrin to APPROVE the request for rehearing, seconded by Chambers, carried 4-1. Thomas voted no.

Chairperson Miller reminded the Council that the next meeting would be held electronically on Tuesday, October 10, 2017, at 9:00 am.

A motion made by Perrin, seconded by Schmett to adjourn passed unanimously by voice vote.

The meeting adjourned at 10:05 am.

