

MINUTES
STATE HEALTH FACILITIES COUNCIL
SEPTEMBER 17, 2015
LUCAS STATE OFFICE BUILDING
321 EAST 12TH STREET
FIFTH FLOOR, ROOM 517
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 517, 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.

I. 9:05 AM ROLL CALL

MEMBERS PRESENT VIA PHONE: Bob Lundin, Chairperson, Connie Schmett, Roberta Chambers, Roger Thomas, and Amy Skinner.

STAFF PRESENT: Jim Goodrich, Kala Shipley and Martha Gelhaus, Heather Adams, Counsel for the State (present in conference room).

OTHERS PRESENT: Heather Campbell of Belin McCormick, representing Grand JiVante.

OTHERS PRESENT VIA PHONE: Julie Hinders and Korey DeBerg, Grand JiVante. Doug Gross of Brown Winick Law representing the Citizens of Ackley. Ken Watkins of Davis Brown Law Firm representing Heritage Care Center.

II. REQUEST TO RECONSIDER REVIEWABILITY DETERMINATION

I. REQUEST FOR RECONSIDERATION OF REVIEWABILITY DETERMINATION

Presbyterian Village d/b/a Grand Jivante, Hardin County: Replacement of a 70-bed nursing facility within the same county.

The Council allowed the project sponsor 15 minutes to make an oral presentation to the Council, followed by an oral presentation from a representative or representatives of the community for a total of 15 minutes (30 minutes total, 15 minutes from each side).

A motion by Skinner, seconded by Schmett, to deny the request for reconsideration, carried 4-1. Chambers voted no.

The meeting adjourned at 9:45 A.M.

The dates of the Council's next meetings are October 28 and October 29, 2015.

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

IN THE MATTER OF)
)
PRESBYTERIAN VILLAGE DBA GRAND JIVANTE) **DECISION**
) **ON**
) **RECONSIDERATION**
ACKLEY, IOWA)

This matter came before the State Health Facilities Council on September 17, 2015.

The request for non-reviewability for the proposed replacement of a 70-bed nursing facility in Ackley, Hardin County, with a facility to be constructed in Iowa Falls, Hardin County, was originally considered by the Council on August 4, 2015. The Council voted 3-2 to not affirm the Department's determination of non-reviewability. A written Decision was issued August 14, 2015.

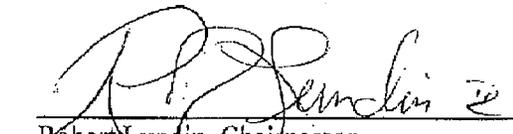
Belin McCormick Law Firm, on behalf of Grand Jivante, filed a request for reconsideration on August 31, 2015. A group of concerned Ackley citizens and Heritage Care Center filed letters in opposition to the request for reconsideration. Three letters were received, one on September 10, 2015, one on September 15, 2015 and one on September 16, 2015, on behalf of the citizens of Ackley. One letter was received on behalf of Heritage Care Center on September 16, 2015. Belin McCormick filed two additional letters in support of the request for reconsideration on September 14, 2015 and September 16, 2015.

The record includes the Council's Decision dated August 14, 2015, the written request for reconsideration and supporting letters on behalf of the project sponsor and the written resistances to the request for reconsideration.

The applicant was represented by Heather Campbell of Belin McCormick, Attorneys at Law. The citizens of Ackley were represented by Doug Gross of Brown Winick Law. Heritage Care Center was represented by Ken Watkins of Davis Brown Law Firm. The three parties provided oral argument to the Council.

The Council, after reading the request for reconsideration, supporting letters submitted by the project sponsor, and the written resistances, and hearing the arguments of the three parties, concluded that grounds for reconsideration of its August Decision do not exist. The Council specifically concludes that no new, significant relevant information was presented by Grand Jivante, that the Council properly followed its laws and procedures in reaching its August Decision, and that no other good cause for reconsideration exists in this record. The Council therefore voted 4-1 to DENY the request for reconsideration.

Dated this 17th day of September 2015


Robert Lundin, Chairman
State Health Facilities Council
Iowa Department of Public Health