

CERTIFICATE OF NEED PROGRAM



Iowa Department of Public Health

General Guidelines for Affected Parties

2021

General Guidelines for Affected Parties

1. Affected persons (aka “affected party” or “affected parties”) are defined in Iowa Code section 135.61(1) (a-f). The appropriate geographic service area for affected parties is defined in 641 IAC 202.1.
2. An affected party may submit a letter of support or opposition to a specific project, appear at the meeting to provide oral testimony either in support or opposition, or both. An affected party is not required to submit written testimony in order to appear as an affected party at the meeting.
3. Written submission of an affected party letter – including from the applicant - must be received no later than 4:00 pm by the deadline noted in the affected party memo sent by CON staff. These written submissions may be submitted in hard copy or by email to the CON administrator. The deadline is also noted under “Next Meeting - Submission Deadlines” on the CON website at <https://idph.iowa.gov/policy-and-workforce-services/cert-of-need>. To assist State Health Facilities Council members, all affected party materials, except PowerPoint (or poster board or similar medium) presentations, must be submitted by the deadline for affected party letters. PowerPoint (or poster board or similar medium) presentations that will be used at the hearing do not need to be submitted in advance. (Please provide seven copies of the presentation for CON staff and Health Facilities Council members.)
4. Letters of support or opposition may be included in a PowerPoint (or poster board or similar medium), in whole or in part, only if (1) the letter was submitted by the deadline established by the Department, or (2) the author of the letter is present at hearing and will offer oral testimony regarding the letter.
5. Affected party testimony at a CON hearing that simply duplicates written materials will not be heard (641 IAC 202.6(4))
6. Affected party oral testimony should be relevant to the project. Personal/professional background information unless it directly relates to the project being supported or opposed (i.e., a radiation oncologist who indicates as such during a hearing about radiation therapy services) may not be considered relevant and should be avoided. In the interest of time, personal stories should be brief, concise, and directly relevant to the application.
7. In the interest of time, individual affected parties appearing at the hearing may be asked to limit remarks to no more than 3-5 minutes. Depending upon how many persons appear as affected parties and the agenda for the day, this time may be restricted further or increased by the Health Facilities Council Chairperson. Institutional affected parties (e.g., hospitals, nursing facilities) and their representative individuals may be given a time frame (e.g., one or two hours) for their presentation by CON staff. This will be arranged with that specific institution as the agenda is being developed. In some cases they may be granted the same presentation time as the applicant. Institutional affected parties will be responsible for keeping their testimony within the designated time frame.
8. Affected parties may be timed and asked by the Health Facilities Council Chairperson to conclude remarks if they run too long or are not relevant to the project.
9. Any dissatisfied party who is an affected person with respect to the application, and who participated or sought unsuccessfully to participate in the formal review procedure prescribed by section 135.66, may request a rehearing in accordance with chapter 17A and rules of the department. If a rehearing is not requested or an affected party remains dissatisfied after the request for rehearing, an appeal may be taken in the manner provided by chapter 17A. Notwithstanding the Iowa administrative procedure Act, chapter 17A, a request for rehearing is not required prior to appeal under section 17A.19. (135.70)
10. All affected party materials are considered public record and are available for public inspection, copying, and disclosure under Iowa Open Records Law – Iowa Code Chapter 22. Testimony of affected parties at the hearing is also considered public record.

11. Certificate of Need related law and rules can be found on the Iowa Certificate of Need website at <https://idph.iowa.gov/policy-and-workforce-services/cert-of-need>.