

# CERTIFICATE OF NEED PROGRAM

Iowa Department of Inspections, Appeals, & Licensing

## General Guidelines for Affected Parties

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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. Neutral letters can also be provided.
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 should be submitted by email to the CON program manager at [rebecca.swift@dia.iowa.gov](mailto:rebecca.swift@dia.iowa.gov). The deadline is also noted under “Next Meeting - Submission Deadlines” on the CON web page. To assist State Health Facilities Council members in their review, all affected party materials, except exhibits, must be submitted by the deadline for affected party letters. Exhibits are due by the date listed in the affected party memo.
4. Letters of support or opposition may be included in an exhibit (e.g., PowerPoint) 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.
6. Affected party oral testimony should be relevant to the project. Personal/professional background information, unless it is a brief statement that directly relates to the project being supported or opposed (i.e., a professional title), is not considered relevant and should be avoided. In the interest of time, personal stories/testimony from patients/families should be very brief, concise, and directly relevant to the application.
7. Individual affected parties appearing at the hearing will be asked to limit remarks to no more than 3-4 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 State Health Facilities Council Chair. Institutional affected parties (e.g., hospitals, nursing facilities, ASC’s) and their representative individuals may be given a time frame (i.e., a specific number of minutes) for their presentation by CON staff. This will be arranged with that specific institution as the agenda is being developed. 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 State Health Facilities Council Chair 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.
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 web page.