

MINUTES

**IOWA STATE BOARD OF HEALTH
DECEMBER 3, 2008 12:00 P.M.
5TH FLOOR SOUTH CONFERENCE ROOMS #517-518
LUCAS STATE OFFICE BUILDING
321 EAST 12TH STREET, DES MOINES, IA**

This electronic meeting of the State Board of Health is being held in accordance with section 21.8 of the Code of Iowa 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 if the governmental body complies with the provisions of section 21.8. Because the administrative rules require the board to issue its decision within 30 days after the conclusion of the hearing held November 12, 2008, it was impractical for the Board to hold an in-person meeting to discuss and render their final decision concerning the licensing of new Horizons Recovery Center because of the expense in assembling the Board in person, time commitments of the Board members, and the anticipated short nature of the meeting. The electronic meeting was held in conference rooms 517-518, 5th floor, Lucas Building. Notices and agendas were posted on the State Board of Health Web page.

CALL TO ORDER

Cheryll Jones called the meeting to order.

ROLL CALL

Present:

Gregory Garvin
Jay Hansen
Cheryll Jones
Maggie Tinsman
Edward Maier
Justine Morton
Rahul Parsa
Heather Adams

Absent:

Hattie Middleton
John Stamler
Rowe Winecoff
Heather Adams

I. Substance Abuse

- A. New Horizons Recovery Center, Sioux City, Appeal of ALJ Decision – Dean Austin and Jeff Gronstal
Karen Doland addressed the board stating that the rules provide that the board's final decision must be issued 30 days from the hearing. The hearing was held on November 12. The letters of recommendation written on behalf of New Horizons were distributed to the Board. The Final Order was also received and reviewed by the Board with no changes received.

In response to a question from a member of the Board, Dean Austin stated that New Horizons had a Medicaid contract for qualified individuals through

the Iowa Plan with Magellan. Magellan Behavior Health administers the Iowa Plan for us, which includes our public health dollars as well as DHS Medicaid contracted dollars. New Horizons did have a contract with them, but as a result of this action they will more than likely terminate that contract. There were problems with her documentation as it related to her business practices in regards to that contract with Magellan as well.

New Horizons' last inspection took place August 9, 2007, and they received 67.69 percent (clinical standards of 70% are required to maintain licensure).

Karen Doland again addressed the Board stating that the purpose for today's meeting was to discuss what is in the transcript of that hearing, what was in the Administrative Law Judge proposed decision and the Final Order. If the Board feels that in order to make that decision it needs additional evidence from the department, then we also have to give New Horizons an opportunity to present evidence to rebut.

Discussion was held and the board decided that the charge of the Board as it relates to the rules is published and they are the dimensions we are guided by. New Horizons did not dispute the validity of the rules and the Board decision to deny a license based on that. The consensus of the Board was to move forward with their decision.

A motion was made by Jay Hansen, seconded by Justine Morton, that the Iowa Board of Health propose to refuse to renew the license of New Horizons Recovery Center, Sioux City, Iowa in accordance with Iowa Administrative Code 641-155.11(1). A roll call vote was taken with six board members voting in favor and Maggie Tinsman abstaining.

II. Adjournment

At 12:20 PM a motion was made by Justine Morton, seconded by Maggie Tinsman, to adjourn the meeting. A roll call vote was taken and it carried unanimously.

Thomas Newton, Director
Secretary of the Board
Iowa Department of Public Health

Ramona Cooper
Recording Secretary
Iowa Department of Public Health