

CHAPTER 158
REGIONS FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT

[Prior to 3/29/06, see 643—Ch 9]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—158.1(125) Service areas established. The department of public health has established regions for substance abuse prevention and treatment service areas. Substance abuse assessment, prevention and education, and outpatient and follow-up treatment and rehabilitation shall be available in each service area. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital, inpatient treatment, residential treatment, and halfway house treatment shall be available within reasonable driving distance of the service area.

641—158.2(125) Request for a change in service areas. Any existing service provider may file an application with the director to change an existing service area.

641—158.3(125) Application. The application shall include the following:

1. The name, address, and description of the applicant;
2. A description of the proposed change;
3. The applicant's rationale in support of the change in service area;
4. The number of clients the applicant proposes to serve and the proposed increase in quality or quantity of services to these clients;
5. A description of community support for the change; and
6. The names and addresses of all affected parties, including existing service providers.

641—158.4(125) Notification of affected parties. Within ten calendar days of receipt of a completed application, the director shall provide written notification to any affected parties identified in the application and shall allow any affected parties so notified 30 calendar days to submit written information in support of, or in opposition to, the application.

641—158.5(125) Public hearing. The director may hold a public hearing at which the applicant and any affected parties may provide an oral presentation with respect to their positions. The director shall give notice to the applicant and all affected parties ten calendar days prior to holding the hearing. The hearing shall not be a contested case hearing as that term is defined in Iowa Code chapter 17A.

641—158.6(125) Proposed decision. The director shall issue a written proposed decision which includes findings of fact and either approves or rejects the application. In issuing this decision, the director shall consider the proposed application, other information received from the applicant, information received from affected parties, the terms of any relevant contract, city and county lines, population concentrations, and existing substance abuse treatment and prevention services.

641—158.7(125) Change during term of contract. The director shall not approve an application which would change a service area during the term of an existing contract or after the release of a request for proposal for a new contract. Applications submitted after issuance of a request for proposal will, if granted, not become effective until after the expiration of the contract awarded pursuant to said request for proposal.

641—158.8(125) State board of health review. The director's proposed decision shall be reviewed by the board at its next regularly scheduled meeting. The board shall review all of the materials considered by the director, as described in rule 158.6(125), and the proposed decision and vote to approve or reject the director's proposed decision.

641—158.9(125) State board of health decision. The board's decision shall be issued in writing and shall be final agency action for the purposes of Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 125.12.

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