441—123.8(135) Finality. The certificate of need application process is continuous beginning with submission of an application through issuance of a final decision by the department subject to judicial review under Iowa Code chapter 17A.

123.8(1) The following stages of the process are intermediate and subject to judicial review only to the extent the stages meet criteria for intermediate review under Iowa Code section 17A.19:

a. A decision by the department pursuant to rule 441—123.2(135) that a proposed project does not require a certificate of need;

b. A decision by the department to conduct summary review; and

c. The rejection of an application by the department that fails to provide all information required under Iowa Code section 135.62(1).

123.8(2) The following stages of the process are final decisions subject to judicial review as final agency action under Iowa Code section 17A.19:

a. A decision by the department to disallow summary review;

b. A decision by the department that a proposed project does not require a certificate of need;

c. A decision by the department to approve or deny an application;

d. The department's final decision on an application for rehearing; and

e. A decision by the department to revoke a certificate of need pursuant to rule 441—123.10(135).

[**ARC 0320D**, IAB 5/27/26, effective 7/1/26; **ARC 0769D**, IAB 11/25/26, effective 1/1/27]