

**641—202.11 (135) Finality.** The certificate of need application process is continuous beginning with submission of a letter of intent or request for waiver of a letter of intent through issuance of a final decision by the council subject to judicial review under Iowa Code chapter 17A.

**202.11(1)** The following stages of the process are intermediate and subject to judicial review only to the extent they meet criteria for intermediate review under Iowa Code section 17A.19.

*a.* A decision by the department pursuant to 641—202.3(135) that a proposed project does not require a certificate of need;

*b.* A decision by the department to waive submission of the letter of intent and substitute summary review; and

*c.* The rejection of an application by the department which fails to provide all information required under Iowa Code section 135.63, subsection 1.

**202.11(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 council that a proposed project does not require a certificate of need;

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

*d.* The council's final ruling on an application for rehearing; and

*e.* A decision by the council to revoke a certificate of need pursuant to 641—202.13(135).

[ARC 1748C, IAB 12/10/14, effective 1/14/15]