

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2014-0701-04N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2014 AUG 13 PM 2:00

2014 JUL -1 PM 2:25
OFFICE OF
ADMINISTRATIVE LAWDebra Bowen
DEBRA BOWEN
SECRETARY OF STATEAGENCY WITH RULEMAKING AUTHORITY
California Health Facilities Financing Authority

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Children's Hospital Program of 2004	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 7030, 7031, 7036, 7037, 7038, 7044, 7045, 7047
TITLE(S) 4	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Rosalind Brewer	TELEPHONE NUMBER 653-8243
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Barbara Liebert</i>	DATE 7/1/2014
TYPED NAME AND TITLE OF SIGNATORY Barbara L. Liebert, Executive Director, CA Health Facilities Financing Authority	

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ENDORSED APPROVED

AUG 13 2014

Office of Administrative Law

Section 7030. Definitions

(o) “Government Health Insurance Programs” means governmental assistance programs that include, but are not limited to, Medicaid (Medi-Cal), State Children’s Health Insurance Program (Healthy Families), California Children’s Services (CS), Child Health and Disability Prevention Program (CHDP) and county indigent programs.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.10, 1179.11, 1179.21, 1179.22, 1179.23, 1179.24, 1179.30, 1179.38 and 1179.39, Health and Safety Code.

Section 7031. Eligible Children’s Hospital

(a)

(1) The Children’s Hospital or the California nonprofit corporation of which the Children’s Hospital is an operating entity has a current, valid general acute care hospital license from the California Department of Public Health Services.

(4) The Authority, at its discretion, confirms with OSHPD that the ~~non~~-Non University of California Children’s Hospital or the California nonprofit corporation of which the Children’s Hospital is an operating entity has submitted to OSHPD its Annual Disclosure Report for the fiscal year ending between June 20, 2001 and June 29, 2002, on or before July 1, 2003.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.11, 1179.22 and 1179.24, Health and Safety Code.

Section 7036. Content of Application Form

(b) Organizational Information.

(1) If the Applicant is a ~~non~~-Non University of California Children’s Hospital, the Applicant shall submit both of the following:

(B) A copy of the Applicant’s Articles of Incorporation and Bylaws. For Children’s Hospitals that are operating entities of a California nonprofit corporation, the Articles of Incorporation and Bylaws are required for the parent corporation.

(2) For all Applicants, a copy of its current general acute care hospital license from the California Department of Public Health Services or a copy of the general acute

care hospital license of the California nonprofit corporation of which the Children's Hospital is an operating entity.

(d)

(4) The Project and financial records of the Applicant's Project are subject to audit and inspection by the Authority staff and the Bureau of State Audits.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.24, 1179.25 and 1179.32, Health and Safety Code.

Section 7037. Application Form Evaluation

(c) A positive response or combination of positive responses to the legal status questionnaire may result in the ~~a~~Applicant becoming ineligible for a Grant.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22 and 1179.24, Health and Safety Code.

Section 7038. Evaluation Criteria

(e) The financial capacity of the Applicant based upon a review of the Most Recent Audited Financial Statements supplied pursuant to ~~paragraph (2) of subdivision (a) of~~ Section 7031, subdivision (a)(2).

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.24 and 1179.25, Health and Safety Code.

Section 7044. Grant Agreements

The terms and conditions of a Grant shall be set forth in a Grant Agreement, which shall include, but not be limited to, all of the following terms and conditions:

(a) A Grant amount not greater than \$30 million (less Administrative Costs and Costs of Issuance) for University of California Children's Hospitals or \$74 million (less Costs of Issuance) for all Non-University of California Children's Hospitals.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.24 and 1179.25, Health and Safety Code.

Section 7045. Release of Funds for Non-University of California Children's Hospitals

(a) No Grant shall be released to a Non-University of California Children's Hospital until the following information has been provided to the satisfaction of Authority staff:

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.11, 1179.22, 1179.24 and 1179.25, Health and Safety Code.

Section 7047. Requirements for Construction Projects on Leased Property-

(a)

(9) (A) Except as provided in (9)(B), the Children's Hospital shall provide a legal opinion that either: 1. the landlord is a special purpose entity which cannot enter bankruptcy.....

(B) For so long as the landlord is an Affiliate of lessee Children's Hospital or the California nonprofit corporation of which the Children's Hospital is an operating entity, the requirement of (9)(A) do not apply.

NOTE: Authority cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.24 and 1179.25, Health and Safety Code.