

**State of California
Office of Administrative Law**

In re:
**California Health Facilities Financing
Authority**

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 4, California Code of Regulations

OAL File No. 2014-0409-02 S

Adopt sections:

**Amend sections: 7030, 7032, 7033, 7034,
7035, 7036, 7037, 7040,
7042**

Repeal sections:

The California Health Facilities Financing Authority (Authority) proposed this action to amend nine sections under title 4 of the California Code of Regulations pertaining to the implementation of the Children's Hospital Bond Act of 2004 and which provides grant funding to the Children's Hospital Program through sales of general obligation bonds. Pursuant to these regulations, the first round of funding is set to expire on 6/30/2014, and a second round of funding is to commence on 7/1/2014 with applications for funding to be available by 6/1/2014. The purpose of this action is to provide for the second funding round starting 7/1/2014 and expiring 6/30/2018, during which the Authority may award remaining grant funds in a manner consistent with the current program regulations.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 5/19/2014.

Date: 5/19/2014



Richard L. Smith
Senior Staff Counsel

For: DEBRA M. CORNEZ
Director

Original: Barbara J. Liebert
Copy: Barbara Webster-Hawkins

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0211-02	REGULATORY ACTION NUMBER 2014-0409-02S	EMERGENCY NUMBER
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ENDORSED FILED
IN THE OFFICE OF
2014 MAY 19 PM 3:12

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
CA 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 re Proposed 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 2014, 82	PUBLICATION DATE 2/21/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amendments to Children's Hospital Program of 2004 Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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.)
TITLE(S) A b
ADOPT
AMEND Sections 7030, 7032, 7033, 7034, 7035, 7036, 7037, 7040, 7042
REPEAL

3. TYPE OF FILING

<input checked="" 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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

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) Available on Authority Website, Feb 13, 2014, Published in Z Register, Feb 21, 2014, Public Comment Period Ended April 7, 2014

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 checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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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"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Barbara Webster-Hawkins	TELEPHONE NUMBER (916) 654-5711	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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 Webster-Hawkins</i>	DATE April 8, 2014
TYPED NAME AND TITLE OF SIGNATORY Barbara J. Liebert, Executive Director, CA Health Facilities Financing Authority	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 19 2014

Office of Administrative Law

SUMMARY OF PROPOSED AMENDMENTS

Children's Hospital Program of 2004

Section 7030. Definitions.

The following words and phrases, as used in this chapter are defined as follows:

(a) – (v) No Change

(w) “Maximum Grant for the Combined First Funding Round” and Second Funding Round” means:

(1) No Change

(2) No Change

(x) – (aa) No Change

(bb) “Pediatric Services” means services provided for children from birth to age 18. Exceptions to the age limit are allowed up to age 21 for children receiving treatment for a California Children's Services eligible condition as described in Sections 41811 through 41876, Title 22, of the California Code of Regulations.

(cc) – (ff) No Change

(gg) “Second Funding Round” means the period of time after June 30, 2014 and before July 1, 2018, when Grants may be awarded from unexhausted funds made available pursuant to the Program.

(hh) – (ll) No Change

(mm) “Third Funding Round” means the period of time after June 30, 2018 when additional Grants may be awarded from unused administrative and Grant funds pursuant to the Children's Hospital Program of 2004.

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 7032. Maximum Grant, First Funding Round and Second Funding Round.

No Grant or combination of Grants to any Children's Hospital may exceed the Maximum Grant for the Combined First Funding Round and Second Funding Round.

NOTE: Authority Cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.23 and 1179.24, Health and Safety Code.

Section 7033. Maximum Grant, Second Third Funding Round.

If funds are available pursuant to Section 7042, the process for determining Maximum Grants for the ~~Second~~ Third Funding Round shall be adopted no later than June 1, ~~2014~~2018.

NOTE: Authority Cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. Reference: Sections 1179.22, 1179.23 and 1179.24, Health and Safety Code.

Section 7034. Application Form.

A blank Application Form shall be available from the Authority and the Authority's website and may be referred to as the Children's Hospital Program of 2004 Grant Application Form #CHFFA 5, Rev. 01-2009-61, which is hereby incorporated by reference. For the First Funding Round and Second Funding Round, ~~t~~The Applicant shall submit a completed Application Form in the manner set forth in Sections 7035 and 7036. The Children's Hospital Program of 2004 Overview and Instructions for Grant Application, Form #CHFFA 5A, Rev. 01-2009-61 is hereby incorporated by reference.

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 7035. Application Form Submission.

(a) Application Forms shall be submitted in duplicate to the Authority. The Authority shall accept Application Forms for the First Funding Round and Second Funding Round on an on-going basis, until the funding for the Children's Hospital Program of 2004 is exhausted.

(b) Each Applicant may apply for more than one Grant for different Projects until its Maximum Grant for the Combined First Funding Round and Second Funding Round is reached.

(c) If necessary, blank application forms for the ~~Second~~ Third Funding Round shall be available no later than June 1, ~~2014~~2018.

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 7036. Content of Application Form.

For the First Funding Round and Second Funding Round, ~~T~~he following items shall accompany the Application Form:

(a) through (d)(7) No Change

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.

(a) No Change

(b) First Funding Round and Second Funding Round Applications-Forms are due the first business day of each month, with the following exceptions:

(1) No Change

(2) No Change

(c) No Change

NOTE: Authority Cited: Sections 1179.22, 1179.24 and 1179.32, Health and Safety Code. References: Sections 1179.22 and 1179.24, Health and Safety Code.

Section 7040. Appeals.

(a) Availability. An Applicant may file an appeal of any Initial Allocation. The grounds for any such appeal shall be limited to Applicant eligibility pursuant to Section 7031 and Section 7037 and whether the proposed expense is for a Project as defined in (ee) of Section 7030 for the First Funding Round and Second Funding Round. No Applicant may appeal the Authority staff evaluation of, or Initial Allocation to, another Applicant.

(b) No Change

(c) No Change

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 7042. Any Remaining Funds.

If there are any remaining funds after the First Funding Round and Second Funding Round, the Authority may, in its sole discretion, award Grants of those remaining funds to Applicants in ~~the Second~~ a Third Funding Round in a manner that is consistent with the purpose and requirements of the Children's Hospital Program of 2004.

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.