

**CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
("CHFFA" or the "Authority")**

Clinic Lifeline Act of 2017 (the "Act")

Lifeline Grant Program

**Resolution Approving the Adoption of Regulations and
Authorizing Emergency Rulemaking Proceedings**

Resolution No. 2018-04

January 25, 2018

PURPOSE OF THE REQUEST:

Staff seeks approval from the Authority to submit the attached emergency regulations for the Lifeline Grant Program ("Program") to the Office of Administrative Law ("OAL") for approval including the supporting documentation.

BACKGROUND:

Senate Bill 97 (chaptered on July 17, 2017) established the Clinic Lifeline Act of 2017 and authorized the Authority to approve a twenty million dollar (\$20,000,000) grant program from the HELP II loan program subfund account (the "Act"). The intent of the Program is to assist small and rural health facilities, including community-based clinics that may be adversely financially affected by a reduction or elimination of federal government assistance and that have little to no access to working capital.

Grants must be awarded and disbursed prior to June 30, 2022. Any funds not disbursed prior to that date will be revert back to the HELP II loan program subfund. The Act requires the Authority to develop evaluation criteria as well as the process for awarding grants. The Act also permits the Authority to adopt emergency regulations.

In October 2017, staff brought an information item before the Authority outlining eligibility, evaluation criteria and funding distribution options. At that time, the Authority instructed staff to simplify the evaluation criteria, the application process, and request feedback from stakeholders for a federal trigger definition.

Based on stakeholders' feedback, a federal trigger is any federal executive, administrative or legislative action or inaction that impacts any reimbursement or eligibility for participation in any federal program or initiative.

REGULATIONS OVERVIEW:

The following is an overall summary of the program:

STATUTORY REQUIREMENTS:

MAXIMUM GRANT AWARD

- Up to \$250,000 for an eligible health facility.

ELIGIBLE USE OF GRANT FUNDS

- Eligible use of grant funds is “working capital” for core operating support. In the CHFFA Act, Government Code Section 15432, subdivision (h), “working capital” means moneys to be used by, or on behalf of, a participating health institution to pay or prepay maintenance or operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of a health facility, including, but not limited to, reserves for maintenance or operation expenses, interest for not to exceed one year on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.

ELIGIBILITY

- The Act requires an eligible health facility (“Facility”) to meet at least one of the following requirements:
 - 1) Operated by a tax-exempt nonprofit corporation that is licensed to operate the health facility by the State of California, and the annual gross revenue of the health facility does not exceed ten million dollars (\$10,000,000).
 - 2) Operated by a tax-exempt nonprofit corporation that is licensed to operate the health facility by the State of California, and the health facility is located in a rural medical service study area (“MSSA”), as defined by the California Healthcare Workforce Policy Commission.
 - 3) A clinic operated by a district hospital or health care district.

ADDITIONAL ELIGIBILITY REQUIREMENTS:

To ensure grant funds are fairly distributed to Facilities most in need, additional eligibility requirements are proposed.

ELIGIBILITY (continued)

- A Facility shall meet all of the following three conditions:
 - I. The Facility must provide a minimum of two of the five medical health services listed in the definition below:
 - A. For the purposes of this program, medical health services means the services provided by a health facility to persons for prevention, diagnosis, or treatment of illness or injury limited to:
 - 1) reproductive services;
 - 2) family planning;
 - 3) sexual health services such as testing and treatment for STD, AIDS and HIV, etc.;
 - 4) geriatric services; or
 - 5) chronic disease prevention, diagnosis and treatment.ⁱ
 - II. 50% or more of the patients served must be equal to or below 200% of the Federal Poverty Level.
 - III. The Facility's primary patients served are identified as vulnerable populations.
 - A. Vulnerable populations consist of indigent, underinsured, uninsured, underserved, or undocumented immigrant populations.

A Facility located in a rural MSSA area only has to meet the requirement for (I)(A) .

EVALUATION CRITERIA

1. Describe your Facility and its operation as it currently exists. Include the geographical area served, vulnerable populations served, services provided, day-to-day operations including hours/days of operation, staff qualifications and number of staff, how long the Facility has been operating, sources of current revenue, etc. **(Required, zero points)**
2. Describe the affects to your Facility and its operation as a result of any federal government reduction or elimination of funds that impacts any reimbursement or eligibility for participation in any federal program or initiative. Describe how the grant funds will be used to maintain the operation of the Facility and a projection of how long the grant funds will sustain the Facility. Describe each of the items below as it relates to the reduction or elimination of federal government assistance and how the grant funds will be utilized to positively impact the effects of a federal government reduction or elimination of funds. **(50 points)**

- (a) Financial Impact. Provide specifics; i.e., the current amount of federal government assistance received, the amount of reduction or elimination, and the percent of the revenue and expenses this reduction or elimination represents to the total operating budget, etc.
- (b) Services Provided. This change may include but is not limited to elimination of one or more of the Medical Health Services as specified on page three.
- (c) Vulnerable Populations Served. If the federal government reduction or elimination affects the populations defined as vulnerable, specify the vulnerable population(s) affected; i.e., the specific affects to that population, percentage of Facility patients impacted, the impact on the community, etc.
- (d) Day-to-Day Operations. If the federal government reduction or elimination affects the day-to-day operations, specify the effect; i.e., number of staff impacted (may include but not limited to staff layoffs, classification and duties of impacted staff; salary/hourly rate cuts); decrease in days and hours of Facility operation, etc.

Note:

Five points will be given to rural or frontier service areas. An additional five points will be given to Federally Qualified Health Center (“FQHC”) or FQHC Look-a-Like facilities.

APPLICATION PROCESS

Applicants must submit an original and two copies of the application by mail, delivery in-person, or email no later than 5:00 p.m. (Pacific Time) on the deadline posted by the Authority on its website. For the initial funding round, applicants will have 30 days from the date the Authority’s emergency regulations are filed with the Secretary of State to submit their application. If funding is available for subsequent funding rounds, the deadline for application submission will be posted on the Authority’s website.

SCORING PROCESS

Two staff members will score each application on how completely, responsively and clearly the application address the two evaluation criteria. The scores from each reviewer will be added together and the average score will be calculated. The average score will be the final score assigned to the application. Staff will make funding recommendations (Initial Allocations) to the Authority for final approval (Final Allocations). Scores will be ranked from the highest to the lowest.

INITIAL AND FINAL ALLOCATION

- Applications will be received on a continuous basis until the application deadline which will be posted on the Authority’s website.
- Initial Allocation shall be limited to the applications with the highest ranked scores until grant funds are exhausted.
- Initial Allocations may be less than the amount requested in the application to fund additional grants.
- Final Allocations will be determined by the Authority in a public meeting, and any Final Allocations approved by the Authority shall be awarded as grants. The Authority will have discretion to award Final Allocations to applications.

FUNDING DISTRIBUTION

The \$20 million would be allocated across four county regions. The chart below shows the funding distribution based on the number of Facilities in each region.

County Regionsⁱⁱ	Available Fundingⁱⁱ
Central/Coast	\$4,500,000
LA/Ventura	\$6,000,000
Northern/Central	\$4,000,000
Southern (excludes LA/Ventura)	\$5,500,000

APPEALS

- An Applicant may appeal the amount of its Initial Allocation recommended by staff.
- The appeal must be submitted to the Executive Director no later than five working days following the date of the notification of Initial Allocation.
- The Executive Director shall review the appeal based on the Application as originally submitted. Any new or revised Application or additional documentation or information that was not submitted in the Application shall not be considered.
- The Executive Director shall make a decision on the merit of the appeal and notify the Applicant of the decision no later than five working days after receipt of the appeal.
- The decision of the Executive Director may be appealed to the Authority by written notification to the Executive Director within five working days of the date of the Executive Director’s decision.
- The Authority shall make a final decision on an appeal of the Executive Director’s decision at a public meeting.

ESTIMATED TIMELINE

January 25, 2018	Action item to consider emergency regulations
January 2018	Submit emergency regulations to OAL.
February 2018	Stakeholders Webinar Market program & Application review Open application window (30 days)
March 2018	Close application window Begin scoring applications
April 2018	Scoring period ends (up to 45 days)
May 2018	Initial Allocations Appeal process (15 working days)
June 2018	Final Allocation determined Grant award letters prepared
July 2018	Grant agreements prepared and sent out

GRANT AGREEMENTS

As with all other Authority operated grant programs, all Grantees will be required to execute grant agreements that will include the grant amount, the project, appropriate uses of funds, the project period, disbursement procedures, unused funds, investment earnings on unused funds, indemnification requirements, prohibitions against discrimination, auditing, site visits, remedies for default, etc. Grant agreements may include terms and conditions related to the project, including a requirement that the Applicant provide additional information.

Staff Recommendation: Staff recommends the Authority approve Resolution No. 2018-04 Approving the Adoption of Regulations and Authorizing Emergency Rulemaking Proceedings for the Lifeline Grant Program.

Attachments:

Exhibit 1 – End Notes

Exhibit 2 – Statute

Exhibit 3 – Emergency Regulations

Exhibit 4 – Application

Exhibit 5 – Request for Disbursement

EXHIBIT 1

END NOTES

- i The 2015 Office of Statewide Health Planning and Development (“OSHPD”) Primary Care Clinic Annual Utilization Report states approximately 1,100 eligible clinics report more than one health services provided. Below are the number of clinics and the various services:

Health Services	Number of Clinics
Medical	1,032
Women’s Health	651
Basic Lab	621
Mental Health	620
Dental	332
Pharmacy	260
Substance Abuse	254
Radiology	184
Urgent Care	173
Vision	147
Domestic Violence	109

Medical, Women’s Health, and Basic Lab are the most reported services provided by clinics. Mental Health Services are covered by SB 82, the Investment in Mental Health Wellness Act of 2013.

- ii Regions were determined by using the “Broad Geographic Distribution” definition from the Cedillo-Alarcón Community Clinic Investment Act of 2000. The regions, number and percentage of eligible clinics in each region are the following:

Geographic Region	Include the Counties of ...	Number/Percent of Eligible Clinics
Central/Coast	Mendocino, Sonoma, Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Benito, Monterey, Santa Cruz, San Mateo, and San Francisco	263 / 23%
Los Angeles/Ventura	Los Angeles and Ventura	332 / 29%
Northern/Central	Del Norte, Humboldt, Siskiyou, Trinity, Shasta, Modoc, Lassen, Tehama, Glenn, Butte, Plumas, Sierra, Yuba, Sutter, Lake, Colusa, Yolo, Sacramento, El Dorado, Placer, Nevada, Amador, Alpine, Calaveras, San Joaquin, Stanislaus, Tuolumne, Mono, Mariposa, Merced, Madera, Fresno, Kings, Tulare, and Inyo	242 / 21%
Southern California	San Luis Obispo, Santa Barbara, Kern, San Bernardino, Orange, Riverside, San Diego, and Imperial	317 / 27%

EXHIBIT 2

STATUTE

Senate Bill No. 97

CHAPTER 52

Approved by Governor July 10, 2017. Filed with Secretary of State July 10, 2017.

SECTION 1.

Section 15438.11 is added to the Government Code, to read:

15438.11.

(a) This section shall be known, and may be cited, as the Clinic Lifeline Act of 2017.

(b) The Legislature finds and declares all of the following:

(1) Small and rural health facilities, including community-based clinics, may be adversely financially affected by a reduction or elimination of federal government assistance. Working capital is necessary for these health facilities, which provide health care regardless of the ability to pay for services, to continue to support the health care needs of vulnerable populations in California.

(2) The failure to adequately fund small and rural health facilities may result in significant costs to the state in the form of unnecessary emergency room visits. The lack of preventive care results in significant costs when patients become severely ill.

(3) The lack of access to working capital threatens the quality, accessibility, and availability of the services provided by health care facilities.

(4) The state's health care system is reliant upon those health care facilities that serve vulnerable populations, such as the indigent, underinsured, uninsured, underserved, and undocumented immigrant populations.

(5) It is the intent of the Legislature to assist those small or rural health facilities that may be adversely financially affected by a reduction or elimination of federal government assistance and that have little to no access to working capital.

(c) The authority shall award grants to eligible health facilities, as defined in subdivision (d) of Section 15432, that meet at least one of the following requirements:

(1) The health facility is operated by a tax-exempt nonprofit corporation that is licensed to operate the health facility by the State of California, and the annual gross revenue of the health facility does not exceed ten million dollars (\$10,000,000).

(2) The health facility is operated by a tax-exempt nonprofit corporation that is licensed to operate the health facility by the State of California, and the health facility is located in a rural medical service study area, as defined by the California Healthcare Workforce Policy Commission.

- (3) The health facility is a clinic operated by a district hospital or health care district.
- (d) Grants under this section may be used for working capital for core operating support.
- (e) The authority shall develop selection criteria and a process for awarding grants under this section. The authority may consider the following factors when selecting grant recipients and determining grant amounts:
- (1) The percentage of total expenditures attributable to uncompensated care provided by an applicant.
 - (2) The extent to which the grant will contribute toward continuation of health care access by indigent, underinsured, uninsured, underserved, and undocumented immigrant populations.
 - (3) The need for the grant based on the applicant's total net assets.
 - (4) The adverse financial impact to the applicant as a result of any reduction or elimination of federal government assistance.
 - (5) The applicant's lack of access to working capital.
 - (6) The geographic location of the applicant, in order to maximize broad geographic distribution of funding or assist health facilities in underserved areas.
 - (7) Other factors, as determined by the authority.
- (f) A grant to a health facility shall not exceed two hundred fifty thousand dollars (\$250,000).
- (g) The Lifeline Grant Program Subfund is hereby created within the California Health Facilities Financing Authority Fund. Twenty million dollars (\$20,000,000) shall be transferred to the Lifeline Grant Program Subfund from the subfund within the California Health Facilities Financing Authority Fund that is used to fund the Health Expansion Loan Program II. Only moneys that are not otherwise obligated or impressed with a trust for other purposes may be transferred into the Lifeline Grant Program Subfund. Twenty million dollars (\$20,000,000) in the Lifeline Grant Program Subfund is hereby appropriated to the authority to use for the purposes of this section, and shall be available for encumbrance or expenditure until June 30, 2020. Moneys remaining in the subfund as of June 30, 2022, shall revert to the originating subfund.
- (h) (1) The authority shall adopt regulations as it deems necessary to implement this section.
- (2) The authority may adopt regulations to implement this section as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1). The adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.
- (i) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

EXHIBIT 3

EMERGENCY REGULATIONS

LIFELINE GRANT PROGRAM OF 2017 CALIFORNIA CODE OF REGULATIONS Title 4, Division 10, Chapter 7

Add Section 7213 to read:

Section 7213. Definitions

- (a) “Act” means the Clinic Lifeline Act of 2017, as codified in Section 15438.11 of the Government Code.
- (b) “Applicant” means an entity that meets the eligibility requirement as further described in Section 7214 for submission of an Application and submits an Application.
- (c) “Application” means the written request for a Grant under the Lifeline Grant Program in the form and format of the Lifeline Grant Program Application Form No. CHFFA XXX, including all supporting information and documents, as further described in Section 7216.
- (d) “Authority” means the California Health Facilities Financing Authority.
- (e) “Authority Staff” means employees of the Authority.
- (f) “Central/Coast Region” means the counties of Mendocino, Sonoma, Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Benito, Monterey, Santa Cruz, San Mateo, and San Francisco.
- (g) “Completed Application” means the Applicant has submitted and the Authority has received all required materials including the Lifeline Grant Program Application Form No. CHFFA XXX, all supporting information and documents to commit the Health Facility to the conditions of the Grant Agreement.
- (h) “Executive Director” means the executive director of the Authority.
- (i) “Federal Poverty Level” means the measure of income issued every year by the Department of Health and Human Services to determine eligibility for certain program and benefits.

- (j) “Federally Qualified Health Center” means outpatient clinics that qualify for specific reimbursement systems under Medicare and Medicaid.
- (k) “Federally Qualified Health Center Look-Alike” means health centers that have been certified by the federal government as meeting all the Federally Qualified Health Center Program requirements, but do not receive funding under the program.
- (l) “Final Allocation” means the Grant amount approved by the Authority.
- (m) “First Funding Round” means the initial time period during which Applications may be submitted for consideration of funding by the Authority.
- (n) “Grant” means a Final Allocation approved by the Authority.
- (o) “Grant Agreement” means a written agreement between the Authority and a Grantee that consists of the terms and conditions of the Grant.
- (p) “Grant Period” means the time period from the date of Final Allocation to the date set by the Authority for the Grant to end.
- (q) “Grantee” means a Health Facility that has been awarded or designated to receive Grant funds.
- (r) “Health Facility” or “Facility” means a facility as defined in Government Code Section 15432, subdivision (d).
- (s) “Initial Allocation” means the Grant amount the Authority Staff recommends the Authority approve for Final Allocation as further described in Section 7222.
- (t) “Los Angeles/Ventura Region” means the counties of Los Angeles and Ventura.
- (u) “Medical Health Services” means the services provided by a Health Facility to persons for prevention, diagnosis, or treatment of illness or injury limited to reproductive services, family planning, sexual health services such as testing and treatment for sexually transmitted diseases, geriatric services, or chronic disease prevention, diagnosis and treatment.
- (v) “Northern/Central Region” means the counties of Del Norte, Humboldt, Siskiyou, Trinity, Shasta, Modoc, Lassen, Tehama, Glenn, Butte, Plumas, Sierra, Yuba, Sutter, Lake, Colusa, Yolo, Sacramento, El Dorado, Placer, Nevada, Amador, Alpine,

Calaveras, San Joaquin, Stanislaus, Tuolumne, Mono, Mariposa, Merced, Madera, Fresno, Kings, Tulare, and Inyo.

(w) “Rural Medical Service Study Area” means an area defined by the California Healthcare Workforce Policy Commission as having a population density of less than 250 persons per square mile. A population center, which is an area within an individual county that is most densely populated, may not exceed 50,000 persons. A Rural Medical Service Study Area includes a Frontier Medical Service Study Area defined by the California Healthcare Workforce Policy Commission as having a population density of less than 11 persons per square mile.

(x) “Southern Region” means the counties of San Luis Obispo, Santa Barbara, Kern, San Bernardino, Orange, Riverside, San Diego, and Imperial.

(y) “Subsequent Funding Rounds” means any specified time period after the First Funding Round during which Applications may be submitted to be considered for funding by the Authority, subject to the availability of funds.

(z) “Vulnerable Populations” means Indigent Populations, Underinsured Populations, Uninsured Populations, Underserved Populations, or Undocumented Immigrant Populations

(aa) “Working capital” means working capital as defined in Government Code Section 15432, subdivision (h).

(bb) “Indigent Populations” means those that do not have health insurance and are not eligible for other health insurance coverage such as Medicaid, Medicare, or private health insurance; or those whose health insurance does not provide full coverage for all of their medical expenses and their medical expenses, in relationship to their income, would make them indigent if they were forced to pay full charges for their medical expenses.

(cc) “Underinsured Populations” means those having partial health insurance coverage and required to self-pay or pay on a sliding scale for all or part of their health care services not provided by their health insurance program or plan.

(dd) “Uninsured Populations” means those who have no health insurance.

(ee) “Underserved Populations” means those residing in one of the following areas:

- (1) Medically underserved area (MUA) as designed by the Secretary of the Department of Health and Human Services, United States Government.
- (2) Critical Health Manpower Shortage Area (CHMSA) as designated by the Secretary of the Department of Health and Human Services, United States Government.
- (3) Primary Care Physician Shortage Area (PCPSA) as designed by the California Health Manpower Policy Commission.
- (4) A census tract with morbidity and mortality rates that indicate high risk factors which establish the health status as below that of the majority population.

(ff) “Undocumented Immigrant Populations” means those individuals who are foreign-born and do not have a legal right to be in or remain in the United States.

Note: Authority cited: Section 15438.11, Government Code. Reference: Sections 15432 and 15438.11, Government Code.

Add Section 7214 to read:

Section 7214. Eligibility

(a) The Health Facility shall meet at least one of the following conditions:

- (1) The Health Facility is operated by a tax exempt nonprofit corporation that is licensed to operate the Health Facility by the State of California, and the annual gross revenue of the Health Facility does not exceed ten million dollars (\$10,000,000).
- (2) The Health Facility is operated by a tax-exempt nonprofit corporation that is licensed to operate the Facility by the State of California, and the Facility is located in a Rural Medical Service Study Area.
- (3) The Health Facility is a clinic operated by a district hospital or health care district.

(b) The Health Facility shall meet all of the following conditions:

(1) Provision of a minimum of two of the five Medical Health Services as described in Section 7213, subdivision (r).

(2) Fifty percent (50%) or more of the persons served have income levels equal to or below two hundred percent (200%) of the Federal Poverty Level.

(3) Populations served includes Vulnerable Populations.

(c) Health Facilities located in a Rural Medical Service Study Area shall be eligible to apply for a Grant if the Health Facility meets the requirements specified in subdivisions (a)(2) and (b)(1).

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7215 to read:

Section 7215. Eligible Costs

(a) Grant funds may be used for working capital costs.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7216 to read:

Section 7216. Grant Application

(a) A Health Facility may apply for a Grant if the Health Facility meets the requirements specified in Section 7214.

(b) On the first working day after the effective date of these regulations, Application forms shall be available on the Authority's website at www.treasurer.ca.gov/chffa and will be referred to as the Lifeline Grant Program Application, Form No. CHFFA XXX, which is hereby incorporated by reference.

(1) An original and two copies of the Application must be received by the Authority no later than 5:00 p.m. (Pacific Time) on the deadline date posted on the Authority's website at www.treasurer.ca.gov/chffa and may be mailed or delivered to:

California Health Facilities Financing Authority
915 Capitol Mall, Room 435
Sacramento, California 95814

or the Application may be emailed as a Portable Document Format (PDF) attachment to chffa@treasurer.ca.gov. The Authority is not responsible for email transmittal delays or failures of any kind.

(2) Only completed Applications received on or before the deadline date and time shall be accepted by the Authority for consideration.

(3) Incomplete Applications and Applications received by the Authority after the deadline date and time shall not be accepted for consideration.

(4) No additional information or documents shall be accepted by the Authority after the deadline date and time.

(5) An affirmative response or combination of affirmative responses to the Legal Status Questionnaire may be cause for rejection of the Application.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7217 to read:

Section 7217. Funding Round and Application Deadline

(a) The deadline for the First Funding Round shall be 30 days after the date regulations are filed with the Secretary of State.

(b) Subsequent Funding Rounds: If funds are available after the First Funding Round, the deadline for Subsequent Funding Rounds shall be posted on the Authority's website at www.treasurer.ca.gov/chffa.

(c) Notices of deadlines will be posted on the Authority's website and sent to the Authority's listserv to which anyone may subscribe at www.treasurer.ca.gov.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7218 to read:

Section 7218. Maximum Grant Amount

(a) No single Grant shall exceed two hundred fifty thousand dollars (\$250,000) per Health Facility.

(b) The Authority shall award Grants totaling no more than the following maximums per region:

<u>(1)</u>	<u>Central/Coast</u>	<u>\$4,500,000</u>
<u>(2)</u>	<u>Los Angeles/Ventura</u>	<u>\$6,000,000</u>
<u>(3)</u>	<u>Northern/Central</u>	<u>\$4,000,000</u>
<u>(4)</u>	<u>Southern</u>	<u>\$5,500,000</u>

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7219 to read:

Section 7219. Evaluation Criteria

(a) Applications shall be scored on the following:

1. A description of the Health Facility and its operation as it currently exists. Description must include, at a minimum, the geographical area served, the Vulnerable Populations served, services provided, day-to-day operations including hours/days of operation, staff qualifications and number of staff, how long the Health Facility has been in operation, and sources of current revenue. (Required, zero points)
2. Describe the effects to the Health Facility and its operations as a result of any federal government reduction or elimination of funds that impacts any reimbursement or eligibility for participation in any federal program or initiative. Describe how the Grant funds will be used to maintain the operation of the Facility and a projection of how long the Grant funds will sustain the Facility. Describe each of the items below as it relates to the reduction or elimination of federal government assistance and how the Grant funds will be utilized to positively impact the effects of a federal government reduction or elimination of funds. (50 points)
 - (A) Financial Impact. Provide specifics, i.e., the current amount of federal government assistance received, the amount of reduction or elimination, and the percent of the revenue and expenses this reduction or elimination represents to the total operating budget.
 - (B) Services Provided. May include elimination of one or more of the Medical Health Services specified in Section 7213, subdivision (r).
 - (C) Vulnerable Populations Served. If the federal government reduction or elimination affects Vulnerable Populations, specify the population(s) affected; i.e., the specific affects to that

- population, percentage of Facility patients impacted, the impact on the community.
- (D) Day-to-Day Operations. If the federal government reduction or elimination affects day-to-day operations, specify that effect [i.e., number of staff impacted (may include staff layoffs, classification and duties of impacted staff; salary/hourly rate cuts) and decrease in days and hours of Facility operation].

(b) Additional points will be given as follows:

1. Five points to rural or frontier service areas.
2. Five points to Federally Qualified Health Center ("FQHC") or FQHC Look-a-Like facilities.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7220 to read:

Section 7220. Initial Allocation

(a) Authority Staff will evaluate Application completeness, responsiveness, and clarity in addressing the evaluation criteria described in Section 7219.

(b) The scores from each reviewer of the Authority Staff will be added and the average of the scores will be calculated. The average score will be the final score assigned to the Application.

(c) The Authority Staff will make Initial Allocations based on the final score assigned to each Application, and present the Initial Allocations to the Authority for Final Allocations.

(d) Notification of Initial Allocations will be sent to Applicants before the public meeting at which the Authority will determine Final Allocations.

(e) Initial Allocations may be less than the amount requested in the Application to fund more Grants and ensure that total Initial Allocations do not exceed twenty million dollars (\$20,000,000).

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7221 to read:

Section 7221 Appeals

(a) Availability.

(1) The Applicant may appeal the amount of the Initial Allocation recommended by Authority Staff for that Application. No Applicant may appeal an Initial Allocation made to another Applicant.

(b) Timing.

(1) The appeal shall be submitted to the Executive Director no later than five working days following the date of the notification of Initial Allocation.

(2) Appeals may be submitted to the Executive Director by email, mail or delivery to:

California Health Facilities Financing Authority
915 Capitol Mall, Room 435
Sacramento, California 95814

Email address: chffa@treasurer.ca.gov

(c) Review.

(1) The Executive Director shall review the appeal based on the Application as originally submitted. Any new or revised Application or additional documentation or information that was not submitted in the Application shall not be considered.

(2) The Executive Director shall make a decision on the merit of the appeal and notify the Applicant of the decision no later than five working days after receipt of the appeal.

(3) The decision of the Executive Director may be appealed to the Authority by written notification to the Executive Director within five working days of the date of the Executive Director's decision.

(4) The Authority shall make a final decision on an appeal of the Executive Director's decision at a public meeting.

(d) Successful appeals.

(1) An Initial Allocation to an Applicant based on the appeal may result in a reduction or elimination of Initial Allocations to other Applicants that would have otherwise received an Initial Allocation.

- (2) Adjustments to any Initial Allocations following any appeals may not be appealed.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code.

Add Section 7222 to read:

Section 7222. Final Allocation

- (a) Final Allocations shall be determined by the Authority at a public meeting.
- (b) Any Final Allocations approved by the Authority shall be awarded as Grants.
- (c) A Grant Award Letter, the official notification of Grant approval by the Authority, shall be sent within five (5) working days to all Applicants approved for a Final Allocation and include the following:
 - (1) Name(s) of the Grantee.
 - (2) Grant amount.
 - (3) The Grant Period.
 - (4) A description of the costs to be funded by the Grant.
 - (5) A request for a resolution of the governing board authorizing an official to accept the Grant and all responsibilities flowing therefrom.
 - (6) Notification that the funds for a Grant under this Chapter are subject to the availability of funds.
 - (7) A statement that the Authority reserves the right to modify or cancel the commitment upon failure of the Applicant to execute a Grant Agreement or otherwise fail to comply with this Article or if the Authority becomes aware of any matter which, if known at the time of Application review and approval, would have resulted in the rejection of the Application or the Grant not being approved.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section 7223 to read:

Section 7223. Use of the Grant Funds

(a) Grant funds shall only be used for the purposes described in the Grant Agreement.

(b) Grantee may request an extension of the Grant Period by submitting a written request to the Authority that documents the reason(s) the change is needed and demonstrates it is consistent with the Act and this Chapter.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section to read:

Section 7224. Grant Agreement

(a) The terms and conditions of a Grant shall be set forth in a Grant Agreement which shall include the following:

- (1) The Grant amount.
- (2) A description of how the funds will be used.
- (3) Release of Grant funds procedures in accordance with Section 7225 as applicable.
- (4) Agreement that the Grantee shall comply with the Act and this Chapter.
- (5) The Grantee shall defend, indemnify and hold harmless the Authority and the State of California, and all officers, trustees, agents and employees of the same, from and against any and all claims, losses, costs, damages or liabilities of any kind or nature, whether direct or indirect, arising from or relating to the Grant.
- (6) The Grantee shall comply with state and federal laws prohibiting discrimination, including those prohibiting discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
- (7) Grantee shall cooperate in inspections and audits.

- (8) Notification that subject to the availability of funds, the Grant may be rescinded or reduced.
- (9) Resolution of the Authority authorizing the Grant.
- (10) Resolution of the Grantee's governing board accepting the Grant and delegating authority to an officer to act on its behalf.
- (11) Provision regarding default and its remedies, including forfeiture and return of the Grant funds to the Authority.
- (12) Provision requiring Grantee to provide updated information upon request from Authority Staff to determine the continued appropriate use of working capital.
- (13) Other terms and conditions that may be required by the Authority related to the Grant.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section 7225 to read:

Section 7225. Release of Grant Funds

(a) Grant funds shall not be released until the following requirements have been met:

- (1) A Grant Agreement has been executed by the Authority and the Grantee.
- (2) The Grantee has submitted to the Authority the documentation specified in subdivision (b) below. If not available, Grantee has submitted a detailed statement concerning the status of obtaining any or all of this documentation for use of Grant funds for working capital.

(b) Grant funds will be disbursed to the Grantee upon receipt of the following:

- (1) A completed Request for Disbursement Form No. CHFFA XXXX, hereby incorporated by reference.
- (2) Proof of expenditures such as contracts, payroll reports, purchase orders, etc. shall accompany the Request for Disbursement Form No. CHFFA XXXX.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section 7227 to read:

Section 7227. Recovery of Funds for Non-Performance and Unused Grants Funds; Remedies

(a) If the Authority determines that Grant funds were not used consistent with the Act, this Chapter or the Grant Agreement, the Authority may require remedies, including forfeiture and return of the Grant funds to the Authority.

(b) Unused Grant funds shall be returned by the Grantee to the Authority no later than June 30, 2020.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section 7228 to read:

Section 7228. Reporting Requirements

(a) The Grantee shall submit a Report of Completion, Form No. CHFFA XXXX, which is hereby incorporated by reference, within 45 days following disbursement of Grant Funds and upon the Authority's request.

(b) The Report of Completion, Form No. CHFFA XXXX, shall include:

(1) A narrative description of how the Grant Funds were used.

(2) An explanation of any variances from the Application.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

Add Section 7229 to read:

Section 7229. Records Retention, Inspections and Audits

(a) Grantees shall retain all Grant fund financial records necessary to substantiate the purposes for which the Grant funds were spent for a period of three years after notification to the Authority that all reports required for Grant fund expenditures have been submitted.

Note: Authority cited: Section 15438.11, Government Code. Reference: Section 15438.11, Government Code

EXHIBIT 4

**CALIFORNIA HEALTH FACILITIES
FINANCING AUTHORITY**

John Chiang, Chairman
CA State Treasurer

**Lifeline Grant Program
Application Form**

**GRANT FUNDS
FOR CALIFORNIA'S
HEALTH FACILITIES**

915 Capitol Mall, Suite 435
Sacramento, California 95814
Phone: (916) 653-2799
Fax: (916) 654-5362

General Instructions

Applicant must submit an original and two copies of the completed application. Completed applications can be submitted to the California Health Facilities Financing Authority (the “Authority”) either by mail or in person to:

California Health Facilities Financing Authority
915 Capitol Mall, Suite 435
Sacramento, California 95814
Attn: Operations Manager

OR

By email as a Portable Document Format (PDF) attachment to chffa@treasurer.ca.gov.

Applications must be received no later than 5:00 p.m. (Pacific Time) on the deadline posted by the Authority on its website.

Please note:

- *Incomplete or illegible applications will not be accepted or reviewed.*
- *The Authority is not responsible for email transmittal delays or failures of any kind.*

LIFELINE GRANT PROGRAM APPLICATION FORM

ELIGIBILITY

SECTION A

The health facility "Facility" shall meet one of the following requirements. Please confirm eligibility by checking one that applies to your Facility:

- A tax-exempt nonprofit corporation, licensed to operate the Facility by the State of California, and an annual gross revenue not exceed ten million dollars (\$10,000,000).
- A tax-exempt nonprofit corporation, licensed to operate the Facility by the State of California, which is located in a rural medical service study area, as defined by the [California Healthcare Workforce Policy Commission](#).
- A clinic operated by a district hospital or health care district.

SECTION B

Facility must meet all of the following conditions. Please confirm eligibility by checking all that apply:

- The Facility must provide a minimum of two (2) of the five (5) Medical Health Services as defined for purposes of this program.
- 50% or more of the patients served must be equal to or below 200% of the Federal Poverty Level.
- The Facility's primary patients served are identified as the vulnerable populations which includes the indigent, underinsured, uninsured, underserved, and undocumented immigrant populations.

A Facility located in a rural medical service study area ("MSSA") only has to meet the requirement for the provision of medical health services in Section B. Section A requirements must be met for all Facilities.



**If one or more of these requirements cannot be met,
the Facility is not eligible to participate in this grant program.**



CERTIFICATION

The Executive Director of the Facility, Board Chairperson, or other individual with the authority to commit the Facility to contract must complete the following certification:

I certify that to the best of my knowledge, the information contained in this Application and the accompanying supplemental materials is true and accurate. I understand that misrepresentation may result in the cancellation of the grant and other actions which the Authority is authorized to take.

By (Print Name)

Signature

Title

Date

APPLICANT INFORMATION			
Facility Name			
Parent Facility Name <i>[If different from Facility Name]</i>			
Street Address		City, State & Zip	
County	Federal Tax I.D. Number	Contact Person / Title	
Telephone Number	E-mail Address		

GRANT INFORMATION
AMOUNT REQUESTED: <i>[Max. \$250,000 per Facility]</i> \$

ELIGIBLE USE OF GRANT FUNDS
<p>Eligible use of grant funds is “working capital” for core operating support.</p> <p><i>In the CHFFA Act, Government Code Section 15432, subdivision (h), “working capital” means moneys to be used by, or on behalf of, a participating health institution to pay or prepay maintenance or operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of a health facility, including, but not limited to, reserves for maintenance or operation expenses, interest for not to exceed one year on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.</i></p>

FACILITY TYPE
<p>Check all that apply.</p> <p><input type="checkbox"/> Federally Qualified Health Center</p> <p><input type="checkbox"/> Federally Qualified Health Center Look-A-Like</p>
SERVICE AREA
<p>Check all that apply.</p> <p><input type="checkbox"/> Rural Medical Service Study Area</p> <p><input type="checkbox"/> Frontier Medical Service Study Area</p>

POPULATION SERVED

Check all that apply.

	Percent of Total Population Served
<input type="checkbox"/> Indigent Populations	_____ %
<input type="checkbox"/> Underinsured Populations	_____ %
<input type="checkbox"/> Uninsured Populations	_____ %
<input type="checkbox"/> Underserved Populations	_____ %
<input type="checkbox"/> Undocumented Immigrant Populations	_____ %

SERVICES PROVIDED

Check all that apply. To be eligible, Facility must currently provide a minimum of two (2) of the five (5) Medical Health Services listed below:

	Percentage of Patients Accessing the Service
<input type="checkbox"/> Reproductive Services	_____ %
<input type="checkbox"/> Family Planning	_____ %
<input type="checkbox"/> Sexual Health Services	_____ %
<input type="checkbox"/> Geriatric Services	_____ %
<input type="checkbox"/> Chronic Disease Prevention, Diagnosis and Treatment	_____ %

Distance of closest Facility providing like services _____ miles

EVALUATION CRITERIA (NO MORE THAN TWO (2) PAGES)

A. FACILITY PROFILE

1. Describe your Facility and its operation as it currently exists. Include the geographical area served, vulnerable populations served, services provided, day-to-day operations including hours/days of operation, staff qualifications and number of staff, how long the Facility has been operating, sources of current revenue, etc. **(Required but no points)**

B. USE OF GRANT FUNDS

Applications shall be scored on the following question addressing all four (4) criteria below (50 points possible):

2. Describe the affects to your Facility and its operation as a result of any federal government reduction or elimination of funds that impacts any reimbursement or eligibility for participation in any federal program or initiative. Describe how the grant funds will be used to maintain the operation of the Facility and a projection of how long the grant funds will sustain the Facility. Describe each of the items below as it relates to the reduction or elimination of federal government assistance and how the grant funds will be utilized to positively impact the effects of a federal government reduction or elimination of funds.

Example: Affects could include, but are not limited to, a reduction in operations, staff, vulnerable population(s) served, etc. (50 points)

- a. **Financial Impact.** Provide specifics; i.e., the current amount of federal government assistance received, the amount of reduction or elimination, and the percent of the revenue and expenses this reduction or elimination represents to the total operating budget, etc.

- b. **Services Provided.** This change may include but is not limited to elimination of one or more of the Medical Health Services as specified on the definitions page.

c. **Vulnerable Populations Served.** If the federal government reduction or elimination affects the populations defined as vulnerable, specify the vulnerable population(s) affected; i.e., the specific affects to that population, percentage of Facility patients impacted, the impact on the community, etc.

d. **Day-to-Day Operations.** If the federal government reduction or elimination affects the day-to-day operations, specify the effect; i.e., number of staff impacted (may include but not limited to staff layoffs, classification and duties of impacted staff; salary/hourly rate cuts); decrease in days and hours of Facility operation, etc.

Legal Status Questionnaire

Applicant Name:

1. Financial Viability

Disclose any legal or regulatory action or investigation that may have a material impact on the financial viability of the project or the applicant. The disclosure should be limited to actions or investigations in which the applicant or the applicant's parent, subsidiary, or affiliate involved in the management, operation, or development of the project has been named a party.

Response:

2. Fraud, Corruption, or Serious Harm

Disclose any legal or regulatory action or investigation involving fraud or corruption, or health and safety where there are allegations of serious harm to employees, the public, or the environment. The disclosure should be limited to actions or investigations in which the applicant or the applicant's current board member (except for volunteer board members of non-profit entities), partner, limited liability corporation member, senior officer, or senior management personnel has been named a defendant within the past ten years.

Response:

Disclosures should include civil or criminal cases filed in state or federal court; civil or criminal investigations by local, state, or federal law enforcement authorities; and enforcement proceedings or investigations by local, state or federal regulatory agencies. The information provided must include relevant dates, the nature of the allegation(s), charges, complaint or filing, and the outcome.

Religious Affiliation due Diligence:

Note: Evidence (e.g., written admission policy, patient/resident application form, written hiring policies, codes of conduct, website information, statistical information, etc.) of each stated fact should be included in this tab.

QUESTIONS	ANSWER (Yes or No) Please provide explanations as requested – Attach additional pages as needed
Admission Policies	
<ul style="list-style-type: none"> Does the facility admit patients or residents of all religions and faiths? 	<input type="checkbox"/> Yes <input type="checkbox"/> No (please explain)
<ul style="list-style-type: none"> Are patients/residents ever turned away because of their religious affiliation? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> Does the facility grant any preference, priority or special treatment with respect to admission, treatment, payment, etc., based on religion or faith? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> Does the facility focus on the needs of, market to, or target, a particular religious population? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> Does the facility discourage individuals from seeking admission to the facility on the basis of religion? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> Is it the facility’s mission to serve patients/residents of a particular religion? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> What percentage of the patients/residents admitted and treated at the facility are of the same religious denomination as the facility’s religious affiliation? 	
Hiring and Employment Practices	
<ul style="list-style-type: none"> Does the facility hire employees and medical staff that are of all religions and faiths? 	<input type="checkbox"/> Yes <input type="checkbox"/> No (please explain)
<ul style="list-style-type: none"> In hiring employees and medical staff, does the facility give preference to applicants of a particular religion? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No

Religious Affiliation Due Diligence (Continued):

Note: Evidence (e.g., written admission policy, patient/resident application form, written hiring policies, codes of conduct, website information, statistical information, etc.) of each stated fact should be included in this tab.

QUESTIONS	ANSWER (Yes or No) Please provide explanations as requested – Attach additional pages as needed
<ul style="list-style-type: none"> • What percentage of the facility’s staff (professional and non-professional) is of the same religious denomination as the facility’s religious affiliation? 	
<ul style="list-style-type: none"> • Does the facility place any religious-based restrictions on how medical staff performs its duties or what medical procedures can be performed? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> • Are employees or medical staff required to sign or abide by a statement of faith or religious beliefs or similar document? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<p>To what degree does the health care facility enjoy institutional harmony apart from the affiliated church or religion?</p>	
<ul style="list-style-type: none"> • Is the facility sponsored by a church or religion? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> • Must members of the governing board of the facility be members of a particular religion or church? Does the church elect the board members? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> • Does the church dictate how the health care facility allocates its resources? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<ul style="list-style-type: none"> • Does the church approve the facility’s financial transactions? 	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No
<p>Will loan proceeds be used to finance any building or facility that will be used for religious worship?</p>	<input type="checkbox"/> Yes (please explain) <input type="checkbox"/> No

Provide the following as attachments:

Attachment A – Financial Information

- Provide a copy of your most current audited financial statement.

Note: the most current audited financial statement must be within six months of the most current fiscal year end.

“Audited Financial Statements” means an examination and report of an independent accounting firm on the financial activities of a public agency or private nonprofit corporation.

Note: audited financials must be free of going concern language.

“Going Concern” means an opinion of an independent accounting firm auditor that there is substantial doubt regarding the entity's ability to continue into the future, generally defined as the following year.

Attachment B – Background

- Provide a copy of your Facility’s mission and history (i.e. brochure, website literature).

Attachment C – Management/Facility Information

- Provide a copy of the State of California operating license for the Facility.
- Provide copies of Facility’s certified Articles of Incorporation and Bylaws, and any Amendments.

Checklist - Grant Application

Please use this checklist to determine if the application is complete (*incomplete or illegible applications will not be considered*).

Eligibility & Certification

(Page 1) - Complete Sections A & B re: eligibility and sign the certification section

Applicant & Grant Information

(Page 2) - Complete Applicant Information and Grant Information

Facility Type & Service Area

(Page 2) - Complete Facility Type (*if applicable*)
 - Complete Service Area (*if applicable*)

Population Served & Services Provided

(Page 3) - Complete Population Served Information
 - Complete Services Provided

Evaluation Criteria

(Page 3) - Complete Facility Profile, question 1

(Page 4) - Complete Use of Grant Funds, question 2a (*Financial Impact*)
 - Complete Use of Grant Funds, question 2b (*Services Provided*)

(Page 5) - Complete Use of Grant Funds, question 2c (*Vulnerable Populations Served*)
 - Complete Use of Grant Funds, question 2d (*Day-to-Day Operations*)

Legal Status Questionnaire

(Page 6) - Complete Legal Status Questionnaire (with an explanation for all “yes” answers)

Religious Affiliation Due Diligence

(Page 7-8) - Complete Religious Affiliation Due Diligence

Attachment A – Financial Information

- Provide a copy of most current audited financial statement

Attachment B – Background

- Provide Facility’s background information

Attachment C – Management/Facility Information

- Provided operating license for the Facility receiving funding
 - Provided copies of certified Articles of Incorporation, Bylaws, and any Amendments

EXHIBIT 5

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY
915 Capitol Mall, Suite 435, Sacramento, CA 95814

The Lifeline Grant Program
Request for Disbursement

Date _____

Name of Borrower _____

Borrower requests the following disbursement of grant proceeds from CHFFA:

Amount Requested

Date Funds Needed*

\$ _____

* Note: Date must be a minimum of three weeks from CHFFA's receipt of this disbursement request.

Narrative of Working Capital**

**Note: Attach additional pages as needed

Documentation to Accompany Request

Please attach invoices and proof of payment of those invoices as documentation to substantiate this disbursement request.

By: _____

(Authorized Officer)

Print Name: _____

Title: _____

For CHFFA Use Only:

Approved Grant Amount \$ _____

Disbursement Request _____

Balance Remaining \$ _____

Analyst Signature

Project Manager Signature

Executive Director Signature

RESOLUTION NO. 2018-04

RESOLUTION OF THE CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY APPROVING THE ADOPTION OF REGULATIONS FOR THE LIFELINE GRANT PROGRAM UNDER THE CLINIC LIFELINE ACT OF 2017 AND AUTHORIZING EMERGENCY RULEMAKING PROCEEDINGS

WHEREAS, the Clinic Lifeline Act of 2017 (the “Act”) establishes a new grant program for small and rural health facilities, including community-based clinics that may be adversely financially affected by a reduction or elimination of federal government assistance and have little to no access to working capital.

WHEREAS, the Act also authorizes the California Health Facilities Financing Authority (the “Authority”) to, among other things, develop a selection criteria and a process for awarding grants; and

WHEREAS, the Act authorizes the Authority to adopt emergency regulations to implement the grant program;

THEREFORE, BE IT RESOLVED by the California Health Facilities Financing Authority as follows:

Section 1. The proposed emergency regulations for the grant program are hereby approved in substantially the form submitted to the Authority by Authority staff. The Chair, Deputy to the Chair, Chair, any Deputy to the Chair, Executive Director, and Deputy Executive Director are each hereby authorized, jointly and severally, for and on behalf of the Authority, to submit such emergency regulations with the supporting documentation required by law, to the Office of Administrative Law and proceed as required by the Administrative Procedures Act.

Section 2. The Chair, Deputy to the Chair, Chair, any Deputy to the Chair, Executive Director, and Deputy Executive Director of the Authority are each hereby authorized, jointly and severally, to take such actions, including making or causing to be made such changes to the emergency regulations as may be required for approval thereof by the Office of Administrative Law, and to execute and deliver any and all documents, including STD. 399 and STD. 400, that he or she may deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately upon its approval.

Date Approved: _____