

# FILE PRINT

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only  
ENDORSED FILED  
IN THE OFFICE OF

STD. 400 (REV. 01-2013)

2013 JUL 23 PM 3:26

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2013-0715-02FP</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only: <b>2013 JUL 15 PM 3:48</b>			
		<b>OFFICE OF ADMINISTRATIVE LAW</b>	
NOTICE		REGULATIONS	

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY Office of Statewide Health Planning and Development	AGENCY FILE NUMBER (if any)
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### 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)
<b>OAL USE ONLY</b> <input type="checkbox"/> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2011 482</b>	PUBLICATION DATE <b>12-2-2011</b>	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Conflict-of-Interest Code	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2011-1117-01
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND Section 35101
	REPEAL
TITLE(S) 2	

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"/> 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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 checked="" 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)

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 type="checkbox"/> 5100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>30th day after SOS filing per 1974 PRA</b>
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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 checked="" type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Beth Herse	TELEPHONE NUMBER 916-326-3613	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) beth.herse@oshpd.ca.gov
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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>Beth Herse</i>	DATE 7/12/13
TYPED NAME AND TITLE OF SIGNATORY Beth Herse, Senior Staff Attorney	

For use by Office of Administrative Law (OAL) only  
**ENDORSED APPROVED**  
JUL 23 2013  
Office of Administrative Law

**CONFLICT OF INTEREST CODE FOR THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the **Office of Statewide Health Planning and Development (Agency)**.

Designated employees shall file their statements of economic interests with the Office of Statewide Health Planning and Development. Upon receipt of the statements from the Director, the agency shall make and retain a copy and forward the original of these statements to **the Fair Political Practices Commission**. Statements of all other designated employees shall be retained with the **Agency** who shall make the statements available for public inspection and reproduction. (Gov. Code Section 81008).

**CONFLICT OF INTEREST CODE FOR THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

APPENDIX A

Designated Position Disclosure Category

Director's Office

Director	1
Chief Deputy Director	1
Assistant Director, Special Initiatives and Program Evaluation	1
Assistant Director, Public Affairs	1
Assistant Director, Legislative Affairs	1
Affirmative Action Officer/Civil Rights Officer (AGPA)	1

Legal Office

Chief Counsel	1
All Other Attorneys	1

Health Policy and Planning Division

Deputy Director	1
Research Program Specialist I	5 and 6

Primary Care Resources and Community Development Division

Deputy Director	1
Managers, Health Planning and Projects	3 and 4
Health Planners	5
Medical Consultant	5 and 6

Healthcare Information Division

Deputy Director	1
Staff Services Manager I (or equivalent) and above)	8

Facilities Development Division

Deputy Director	1
Principal Architect	1
Supervising Architect and Supervising Engineers	1
Other Architects and Engineers	5
Chief Compliance Officer	1
Regional Compliance Officers	1
Compliance Officers	5
Manager, Program Support Section	1
Supervisor, Program Support Section	5
Analysts, Program Support Section	5 and 8
Executive Secretary, Hospital Building Safety Board	3, 5 and 8
Chief Fire and Life Safety Officer	1
Fire and Life Safety Officers	5
Supervisor, Codes and Regulations Section	1
Supervisor, Health Facility Review	1

Cal Mortgage Loan Insurance Division

Deputy Director	1
Construction Financing Supervisor	1
Construction Financing Specialists and Representatives	1
Staff Services Analysts	1

Administration Division

Deputy Director	1
Business Services Officer	3
Business Services Assistants	3
Personnel Officer	3
Chief, Fiscal and Staff Services Section	3
Information Security Officer	8
Manager, Contracts and Budgets	3
Manager, Information Systems Section	8

Supervising Staff Programmer Analysts	8
Accounting Administrator	3

~~Boards, Commissions and Committees~~

Members of Hospital Building Safety Board	6 and 7
Members of Advisory Loan Committee, California Health Facility Construction Loan Insurance Program	6 and 7
Members of Health Manpower Policy Commission	6 and 7
Members of California Health Policy and Data Advisory Commission	6 and 7
Members of Minority Health Professions Education Foundation	6 and 7
Executive Director, Minority Health Professions Education Foundation	1
Executive Secretary, California Health Policy and Data Advisory Commission	1

~~Consultants\*~~

~~\*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:~~

~~The chief executive officer may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants duties, and, based upon that description, a statement of the extent of disclosure requirements. The (chief executive officer's) determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.~~

~~DISCLOSURE CATEGORIES~~

~~1. Designated employees in Category 1 must disclose:~~

~~All investments, business positions\*, interests in real property and sources of income.~~

~~2. Designated employees in Category 2 must disclose:~~

~~All investments, business positions\*, and sources of income.~~

~~3. Designated employees in Category 3 must disclose:~~

~~Investments in, business positions with, and any income received from a source of the type~~

which, within the previous two years, contracted with the Office of Statewide Health Planning and Development or with the State of California to provide services, equipment, leased space, materials or supplies to or on behalf of the Office of Statewide Health Planning and Development.

4. Designated employees in Category 4 must disclose:

Investments, business positions\*, and sources of income in business entities which contract with or receive grants or other monies from or through the employee's division.

5. Designated employees in Category 5 must disclose:

Investments and business positions\* in any business entity, and income from any source, which is of the type which supplies or manufactures medical equipment.

Investments, business positions\*, and sources of income in business entities which are licensed by, permitted by, or have certificates from or are otherwise regulated by, or provide consultant services to, the division, board, committee or commission where the designated employee holds his or her position or serves.

6. Designated employees in Category 6 must disclose:

Investments in any business entity and any income from a source of the type which, within the previous two years, received grants or other monies from or through the employee's board, commission, or committee of the Office of Statewide Health Planning and Development.

Investments and business positions\* in any business entities and income from sources which are of the type which provide consultant services to any business entity made reportable by this disclosure category.

*\*business position includes non profit organizations*

His or her status as director, officer, partner, trustee, employee or holder of any position of management in any business entity or nonprofit corporation of the type which, within the previous two years, received grants or other monies from or through the employee's board, commission, or committee of the Office of Statewide Health Planning and Development.

7. Designated employees in Category 7 must disclose:

Investments in any business entity and income from any source of the type subject to regulation by the board, commission, or committee of the Office of Statewide Health Planning and Development in which the designated employee holds his or her position.

Sources of income and investments in any business entities of the type which provide consultant services to any business entity made reportable by this disclosure category.

His or her status as a director, officer, partner, trustee, employee or holder of any position of management in any business entity or nonprofit corporation which is subject to the regulation of the board, commission, or committee of the Office of Statewide Health Planning and Development in which the designated employee holds his or her position.

8. Designated employee in Category 8 must disclose:

~~Investments and business positions\* in any business entity and income from any source which engages in the sale or manufacture of data processing equipment; software or services; and/or provide consulting services in the health care field.~~

~~Investments and business positions\* in any business entity and income from any source which owns or operates a "health facility" within the meaning of Health and Safety Code Section 1250.~~

~~Investments and business positions\* in any business entity and income from any source which manufactures or sells medical or health care supplies or equipment or provides goods or services to health facilities on an institutional basis.~~

*\*business position includes non-profit organizations*

<u>Designated Position</u>	<u>Disclosure Category</u>
<b><u>Director's Office</u></b>	
Director (Exempt)	1
Chief Deputy Director (Exempt)	1
Assistant Director, Legislative and Public Affairs (CEA)	1
Equal Employment Opportunity Officer (Staff Services Manager I (Spec.))	2,3,4,5,6,7,8
Information Security Officer	2,3,4,5,6,7,8
Chief Information Officer	1
<b><u>Legal Office</u></b>	
Chief Counsel (CEA)	1
Attorney (All levels)	2,3,4,5,6,7,8
<b><u>Healthcare Workforce Development Division</u></b>	
Deputy Director (CEA)	1
Staff Services Manager (All levels)	2
Health Planning Specialist (All levels)	2

### Healthcare Information Division

<u>Deputy Director (CEA)</u>	<u>1</u>
<u>Staff Services Manager (All levels)</u>	<u>3</u>
<u>Health Program Audit Manager (All levels)</u>	<u>3</u>
<u>Research Scientist Manager</u>	<u>3</u>
<u>Research Scientist Supervisor (All levels)</u>	<u>3</u>
<u>Research Program Specialist II</u>	<u>3</u>

### Facilities Development Division

<u>Deputy Director (CEA)</u>	<u>1</u>
<u>Deputy Division Chief (CEA)</u>	<u>1</u>
<u>Supervisor, Health Facilities Review</u>	<u>4</u>
<u>Architect (All levels)</u>	<u>4</u>
<u>Engineer (All levels)</u>	<u>4</u>
<u>Senior Engineering Geologist</u>	<u>4</u>
<u>Regional Compliance Officer</u>	<u>4</u>
<u>Compliance Officer</u>	<u>4</u>
<u>Chief Fire and Life Safety Officer</u>	<u>4</u>
<u>Fire and Life Safety Officer (All levels)</u>	<u>4</u>
<u>Staff Services Manager (All levels)</u>	<u>7,8</u>

### Cal-Mortgage Loan Insurance Division

<u>Deputy Director (CEA)</u>	<u>1</u>
<u>Health Facility Construction Financing Officer</u>	<u>5</u>
<u>Health Facility Construction Financing Specialist (All levels)</u>	<u>5</u>
<u>Health Facility Construction Financing Analyst (All levels)</u>	<u>5</u>
<u>Health Planning Specialist (All levels)</u>	<u>5</u>

**Administrative Services Division**

<u>Deputy Director (CEA)</u>	<u>1</u>
<u>Staff Services Manager II (Supervisory) – Human Resource Services</u>	<u>7</u>
<u>Accounting Administrator</u>	<u>7,8</u>
<u>Staff Services Manager (All levels) - Budget and Business Services</u>	<u>7,8</u>

**Information Technology Services Division**

<u>Deputy Director</u>	<u>1</u>
<u>Data Processing Manager (All levels)</u>	<u>8</u>

**Information Technology Services Section – Data Management Office**

<u>Senior Information Systems Analyst (Supervisor)</u>	<u>8</u>
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**Information Technology Services Section – Information Technology Assistance Center**

<u>Information Systems Analyst in charge of procurement</u>	<u>8</u>
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**Information Technology Services Section – Project Management Office**

<u>Information Systems Analyst (All levels)</u>	<u>8</u>
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**Boards, Commissions and Committees**

**Health Professions Education Foundation**

<u>Executive Director (Exempt)</u>	<u>1</u>
<u>Staff Positions - Staff Services Manager (All levels)</u>	<u>6</u>
<u>Members of the Board of Trustees of the Foundation</u>	<u>6</u>
<u>Advisors to the Foundation appointed pursuant to Health &amp; Safety Code §128335 (c)</u>	<u>6</u>

**California Healthcare Workforce Policy Commission**

<u>Members of the Commission</u>	<u>2</u>
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**Clinical Panels established pursuant to Health & Safety Code §128748**

<u>Members of a Clinical Panel</u>	<u>3</u>
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**Hospital Building Safety Board**

Members of the Board 4

**Advisory Loan Insurance Committee, California Health Facility Construction Loan Insurance Program**

Members of the Committee 5

**Committee for the Protection of Human Subjects (Institutional Review Board)**

Administrator for the Committee 7,8

Consultant/New Positions†

**Consultants\***

\*Consultants/New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

\*\*Gift disclosure: Not all gifts are reportable. For example, a filer does not have to disclose gifts based on a pre-existing personal friendship where there is no connection between the donor and the duties that the filer performs. This exception and others are outlined in statute and regulations. FPPC regulation 18942 summarizes the major gift exceptions including those from family members, gifts of home hospitality, gifts related to holidays and certain prizes and awards.

**DISCLOSURE CATEGORIES**

**1. Designated employees in Category 1 must disclose:\*\***

All interests in real property in the State of California, as well as investments, business positions and sources of income, including gifts, loans and travel payments.

**2. Designated employees in Category 2 must disclose:**

All investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory authority or program or project approval of, or that

have an application for program or project approval pending before, the Healthcare Workforce Development Division.

All investments, business positions and income, including gifts, loans and travel payments or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the Healthcare Workforce Development Division.

**3. Designated employees in Category 3 must disclose:**

All investments, business positions and income, including gifts, loans and travel payments, from sources of the type that are subject to the regulatory authority of the Healthcare Information Division, including but not limited to health facilities and clinics.

All investments, business positions and income, including gifts, loans and travel payments, from sources that, on behalf of health facilities or clinics, prepare mandated reports to the Healthcare Information Division.

**4. Designated employees in Category 4 must disclose:**

All interests in real property in the State of California, as well as investments, business positions and income, including gifts, loans and travel payments, from sources of the type that engage in the management, design, construction, construction review, or financing of, health facilities of the type subject to plan and construction review and approval by the Facilities Development Division.

**5. Designated employees in Category 5 must disclose:**

All interests in real property in the State of California, as well as investments, business positions and income, including gifts, loans and travel payments, or income from a nonprofit organization, from sources of the type that are engaged in the management, design, construction, or financing of health facilities (as defined in Health and Safety Code Section 129010) in California.

**6. Designated employees in Category 6 must disclose:**

All investments, business positions and income, including gifts, loans and travel payments or income from a nonprofit organization, if the source is of the type to receive grants or other monies from or through the Health Professions Education Foundation.

**7. Designated employees in Category 7 must disclose:**

All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the Office of Statewide Health Planning and Development.

**8. Designated employees in Category 8 must disclose:**

All investments, business positions and income, including gifts, loans and travel payments, from sources that manufacture, distribute, supply, or install computer hardware or software, or provide computer consultant or training services, of the type utilized by the Office of Statewide Health Planning and Development.

This is the last page of the conflict-of-interest code for the **Office of Statewide Health Planning and Development**.



**CERTIFICATION OF FPPC APPROVAL**

Pursuant to Government Code Section 87303, the conflict-of-interest code for the **Office of Statewide Health Planning and Development** was approved on June 26, 2013.

A handwritten signature in black ink, appearing to read "William J. Lenkeit".

William J. Lenkeit

Senior Counsel, Legal Division

Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: