

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

Do Not Mark In this Box

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE June 24, 1988
ADMINISTRATIVE LAW DIVISION

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: HOSPITAL FINANCE AUTHORITY TITLE NUMBER: 116

RULE TYPE: Procedural; CITE AUTHORITY 16-29A-5(a)

AMENDMENT TO AN EXISTING RULE: YES NOxxx

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 3

TITLE OF RULE BEING PROPOSED: Establishment of Uniform Application
Procedures and Guidelines for Hospital Financing by the
Hospital Finance Authority

DATE OF PUBLIC HEARING: July 29, 1988 TIME: 11:00 am

LOCATION OF PUBLIC HEARING: Suite 105, 100 Dee Dr.
Charleston, WV 25311

COMMENTS LIMITED TO: ORAL WRITTEN, BOTH xxx

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Hospital Finance Auth.

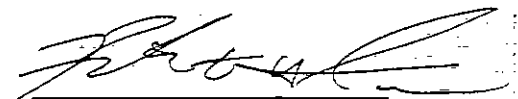
Suite 105, 100 Dee Dr.

Charleston, WV 25311

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
PUBLIC HEARING

AGENCY: West Virginia Hospital Finance Authority

RULE TYPE: Procedural

RULE TITLE: Establishment of Uniform Procedures and Guidelines for Hospital Financings by the West Virginia Hospital Finance Authority

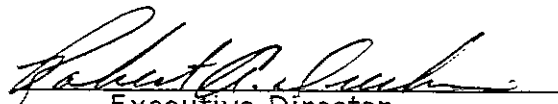
A PUBLIC HEARING ON THE ABOVE PROPOSED RULE WILL BE HELD AT 11:00 a.m. on Friday, July 29, 1988 at Suite 105, 100 Dee Drive, Charleston, West Virginia 25311

COMMENTS ARE LIMITED TO: ORAL _____ WRITTEN _____ BOTH X

COMMENTS MAY ALSO BE MAILED TO: Suite 105, 100 Dee Drive, Charleston, West Virginia 25311

THE AUTHORITY REQUESTS THAT PERSONS WISHING TO MAKE COMMENTS AT THE HEARING MAKE AN EFFORT TO SUBMIT WRITTEN COMMENTS IN ORDER TO FACILITATE A REVIEW OF THESE COMMENTS.

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.


Executive Director

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1988 JUN 24 PM 12:04
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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Establishment of Uniform Procedures and Guidelines for Hospital
Financings by the West Virginia Hospital Finance Authority

Type of Rule: Legislative Interpretive X Procedural

Agency West Virginia Hospital Finance Address Suite 105, 100 Dee Drive
Authority Charleston, West Virginia 25311

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

These rules only establish procedures regarding hospital financings by the Authority and should not result in any additional expense for the Authority or applicants for hospital financings by the Authority.

3. Objectives of these rules:

To establish uniform procedures and guidelines for hospital financings by the Authority. The procedures and guidelines established in these rules should result in the Authority handling bond issues in a more efficient manner by, among other things, insuring that the Authority is promptly provided with adequate information regarding bond issues.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Improved efficiency of the Authority without any additional expense.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Hospitals, and the citizens served thereby, will be better served by the Authority without any additional expense.

C. Economic Impact on Citizens/Public at Large.

The citizens will benefit, without any additional expense, because the Authority will operate more efficiently resulting in debt service savings for hospitals which should better enable hospitals to provide the citizens with health care at a reasonable cost.

Date: June 24, 1988

Signature of Agency Head or Authorized Representative

Robert A. Jenkins

PROPOSED
WEST VIRGINIA PROCEDURAL RULE
WEST VIRGINIA HOSPITAL FINANCE AUTHORITY
CHAPTER 16-29A
SERIES I

Title: Establishment of Uniform Application Procedures and Guidelines for
 Hospital Financings by the West Virginia Hospital Finance
 Authority.

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FILED

1988 JUN 24 PM 12:03

PROPOSED
WEST VIRGINIA PROCEDURAL RULE
WEST VIRGINIA HOSPITAL FINANCE AUTHORITY
CHAPTER 16-29A
SERIES ~~X~~ 3

SECRETARY OF STATE

Title: Establishment of Uniform Application Procedures and Guidelines for Hospital Financings by the West Virginia Hospital Finance Authority.

Section 1. General

1.1 Scope - Matters addressed in these rules are as follows:

- a. Application requirements;
- b. Requirements for giving the Authority advance notice of (1) key planning and drafting meetings and calls and (2) other important action needed in the financing including action by the Authority Board;
- c. Requirements for providing the Authority drafts of financing agreements and other documents to be used in the financing; and
- d. Requirements for providing the Authority and its advisors with additional information regarding the hospital, the financing and related matters.

1.2 Authority - West Virginia Code § 16-29A-5(a); West Virginia Code § 29A-3-3

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - Not applicable.

Section 2. Application Requirements

2.1 To apply for financing through the Authority, a hospital must provide the Authority the following items:

- a. A letter of intent that (1) briefly summarizes the proposed financing, (2) requests the Authority's assistance and (3) acknowledges that the Authority's fee schedule will apply to the Authority's evaluation of and other involvement in the financing.

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Chapter 16-29A
Series I

b. A written application, signed by a duly authorized officer of the hospital, that provides the following information:

(1) The legal name, street address and mailing address of the hospital making the application.

(2) The legal name, street address and mailing address of any other hospital or entity of which the applying hospital is a division or subsidiary or with whom it is legally affiliated.

(3) The names and addresses of:

(a) The hospital's independent auditor.

(b) The hospital's general counsel.

(c) The proposed underwriter(s) and bond counsel (if any) for the financing.

(d) The hospital's feasibility consultant (if new construction is to be financed).

(e) The hospital's financial advisor (if any).

(4) A description of the financing, including:

(a) Amount.

(b) Purpose(s).

(c) Plans for placing or marketing bonds.

(d) Plans (if any) for obtaining credit rating(s) for the bonds.

(e) A statement as to whether the bonds are to be "book entry" bonds, and, if not, an explanation of the reasons for using certificate bonds.

(f) If outstanding bonds or other obligations are to be refunded or refinanced, a summary of the key terms of such bonds or obligations.

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- (g) The proposed time schedule for financing.
 - (h) Estimated costs of issuance, including
 - (i) Bond Counsel
 - (ii) Hospital Counsel
 - (iii) Rating Agency Fee(s)
 - (iv) Authority's Counsel
 - (v) Authority's Fee
 - (vi) Bond Trustee
 - (vii) Bank's Counsel
 - (viii) Accountants
 - (ix) Tender Agent
 - (x) Printing Bonds
 - (xi) Printing POS/OS
 - (xii) Underwriter's Counsel
 - (xiii) Other
 - (i) Any other material aspects of the proposed financing that the hospital believes the Authority should consider.
- (5) Verification (preferably from the U. S. Internal Revenue Service) of the hospital's tax status.
 - (6) A copy of the hospital's most recent interim financial statements.
 - (7) A brief summary of the key terms of outstanding loans and other obligations that are material, without limitation, the payment terms, security provisions and restructure covenants of a material nature should be described.

- (8) A copy of each Certificate(s) of Need relating to any project(s) or item(s) to be financed.

Section 3. Advance Notice Of Key Meetings And Actions.

3.1 The hospital shall give the Authority at least ten business days advance notice of all planning and drafting sessions for the financing and of all key actions required for the financing, including meetings and actions of the Board.

Section 4. Drafts Of Financing Documents.

4.1 Throughout the financing the hospital shall provide the Authority (or cause it to be provided) copies of drafts of any and all material agreements and documents for the financing, in sufficient time to allow the Authority and its counsel at least five (5) business days to review such drafts before commenting or acting upon them.

Section 5. Additional And Updated Information.

5.1 The hospital shall provide the Authority and its counsel and any other designated advisors with such additional information as shall be necessary or appropriate to evaluate or consummate the proposed financing, and shall promptly provide the Authority updated information whenever there has been a material change in previously furnished plans, information or documents.