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# Health Care Market Oversight (HCMO) Program

Rules Advisory Committee meeting

September 4, 2024



# Attendance

Type your name and organization in the chat

# Welcome & Agenda

1. Be sure to enter your name (and organization, if applicable) in the chat
2. RAC Process & Brief Program Introduction
3. Present & discuss draft changes to each rule
4. Conclude and next steps

*For technical assistance,  
send a direct message in the  
chat to Kay Spirlin*

# Introduction to the Rules Advisory Committee (RAC) Process

A RAC is used to seek input to the maximum extent possible during the development of the proposed rulemaking prior to giving notice of intent to adopt, amend, or repeal an administrative rule.

A RAC allows the public and interested parties to provide input and suggestions during the development of new rules, amendment or repeal of existing rules, and the fiscal impact of the proposed rulemaking. **The RAC's role is advisory, and consensus is not necessary.**

The Oregon Health Authority (OHA) is holding this RAC meeting as public meeting and any individual is welcome to attend, observe, and listen. The RAC meeting will include a time for the public to provide comment.

# Housekeeping & Announcements

- This meeting is being *recorded* and will be posted on the program website
- When providing input, please state your name and organization you represent, if applicable

**Submit written comments no later than September 11 to [HCMO.info@oha.oregon.gov](mailto:HCMO.info@oha.oregon.gov)**

# Structure of Meeting

- Today staff from OHA will describe the program and the rules updates
- RAC members provide input on draft rules
- Staff will ask the public (non-RAC members) for any input. Each public commenter will have two minutes.

# Introduction to the Program

The Health Care Market Oversight program reviews proposed business deals to make sure they will help – and not hurt – Oregon's shared goals of **health equity, lower consumer costs, increased access, and better care**

The program applies to mergers, acquisitions, and other business deals that involve health care entities and meet certain criteria

**Merger - businesses combine into one entity**

**Acquisition - one business buys another business**

**Affiliation - businesses otherwise partner or combine resources**

# Discuss Draft Rules

Staff will present each rule section and solicit RAC input



# Amended Rules - Headers

- 409-070-0000 Scope and Purpose
- 409-070-0005 Definitions
- 409-070-0015 Materiality Standard
- 409-070-0020 Excluded Transactions
- 409-070-0022 Emergency and Exempt Transactions
- 409-070-0025 Acquisition of Control; Presumptions and Disclaimers
- 409-070-0030 Requirement to File a Notice of Material Change Transaction
- 409-070-0035 Material Change Transaction Involving a Domestic Health Insurer
- 409-070-0040 Material Change Transaction Involving a Charitable Organization or Hospital
- 409-070-0042 Optional Application for Determination of Covered Transaction Status
- 409-070-0045 Form and Contents of Notice of Material Change Transaction
- 409-070-0050 Retention of Outside Advisors
- 409-070-0055 Preliminary 30-Day Review of a Notice of Material Change Transaction
- 409-070-0060 Comprehensive Review of a Notice of a Material Change Transaction
- 409-070-0062 Community Review Board
- 409-070-0065 Conditional Approval; Suspension of Proposed Material Change Transaction
- 409-070-0070 Confidentiality; Permitted Disclosures
- 409-070-0075 Contested Case Hearings
- 409-070-0080 Compliance with Conditions
- 409-070-0082 Follow-up Analyses After the Material Change Transaction (\*New Rule)
- 409-070-0085 Information Requests

# Soliciting Input on Other Documents

Draft Statement of Need & Fiscal Impact

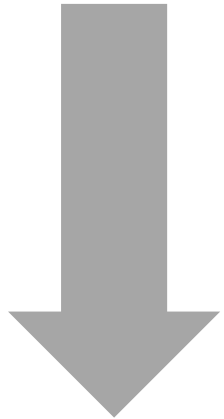
Draft Racial Equity Impact Statement

# Public Comment



# Tentative Rules Timeline

*OHA continues  
to accept &  
consider input*



Today, Sept 4, 2024	Rules Advisory Committee meeting
Sept 11, 2024	Deadline for RAC members written input
Oct 1, 2024	Publish in Secretary of State bulletin
Oct 16, 2024	Rules Hearing
Oct 23, 2024	Last day for public comment
Nov 15, 2024	Rules effective date

# What Comes Next?

- **How to provide additional feedback:**  
Please aim to send written input to [HCMO.info@oha.Oregon.gov](mailto:HCMO.info@oha.Oregon.gov) by **Sept 11** so staff can consider and incorporate input before submitting draft rules to the Secretary of State for the Rules Hearing. Comments will be accepted during and for approximately one week after the Rules Hearing.
- Staff will publish all written feedback on the program website <https://www.oregon.gov/oha/HPA/HP/Pages/HCMO-Rules.aspx>
- OHA staff will notify all RAC members and interested parties via a GovDelivery email with information about the Rules Hearing

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**Thank You**

Oregon  
**Health**  
Authority

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