



July 25, 2022

TO: Zachary Goldman, OHA
FR: Maribeth Guarino, Oregon State Public Interest Research Group (OSPIRG)
RE: HCMO Rules on Emergency Approval Release of Information

Thank you for the opportunity to provide feedback on the rules for the Health Care Merger Oversight Program on behalf of OSPIRG and consumer voices. We believe these rules generally reflect the goals of the program and are for the most part already included in subregulatory guidance. Therefore, our comments are limited to a few sections in particular.

First, we are very supportive of the definition of a newly organized legal entity. Notably, we appreciate the inclusion of new private equity ownership, along with the other provisions included in the definition.

Second, we urge the rules to reconsider the time period for the publication of transactions exempted from review due to an emergency. The emergency circumstances indicate a time-sensitivity for the transaction that prevents a timely review from occurring. A two-year delay for the information being published, which is limited to the names of the entities and the type of transaction, serves little to no purpose. Most emergencies will have been resolved well before then, the transaction will likely have been completed, and it's likely that the information about the transaction will have become available through other sources, including the media, by that point. We urge the Authority to shorten that delay to "no more than six months." This still allows later publication at the Authority's discretion.

Even in the case of a public health emergency such as the COVID-19 pandemic, a two-year delay in the release of the information for a transaction serves no clear purpose except opacity. The exemption is intended to allow health care entities to focus on patients or to allow necessary time-sensitive transactions to proceed without the hold-up of administrative procedures. A two-year delay in simply naming the entities and the type of procedure is pointless, but six months would allow some time for the transaction to occur and still preserves OHA's authority to delay the release of that information if unique circumstances warrant it.