

December 12, 2025

Karine Gialella
Senior Assistant Attorney General
Health and Human Services Section
Oregon Department of Justice

RE: Union Survey
043 Providence – Compassus

Ms. Gialella:

On November 19, 2025, your office provided Providence and Compassus with a draft report (the “Survey Report”) summarizing the results of a survey distributed through the Oregon Nurses Association (“ONA”) and Washington Nurses Association (“WSNA”). As you know, Providence and Compassus have repeatedly objected to the survey methodology as well OHA’s stated intent to incorporate this flawed survey data in its ultimate determination regarding this transaction. Unfortunately, OHA has not responded to our concerns about this survey. Instead, OHA is rushing to publish these misleading survey results via a Survey Report that fails to (a) acknowledge the clear methodological flaws of the survey data, (b) provide any context for the prejudicial factual claims that underly the survey results, or (c) follow OHA’s own rules regarding the comprehensive review process.

For the reasons articulated below, we respectfully request that OHA disregard the survey results as fundamentally flawed. However, failing that, we request that OHA include in the survey report appropriate context regarding the methodological flaws of the data, including that (a) OHA distributed the survey through unions that oppose the transaction, and therefore have a vested interest in generating negative survey results that justify their opposition, (b) OHA cannot verify that any of the 215 completed surveys were submitted by unique current or former Providence employees, (c) the survey collected point-in-time information that fails to incorporate vital context regarding the status of, and alternatives to, this transaction, and (d) Providence and Compassus object to the survey itself and the publication of the Survey Report.

I. The Survey Report Misrepresents the Survey Methodology and Ignores Serious Flaws that Render Results Unreliable and Non-Representative

The Survey Report states that:

OHA attempted to reach as many employees as possible in Oregon and Washington to take the survey and distributed the survey through a variety of channels, including local unions representing Providence home health and hospice workers in Oregon and Washington, and state health care agency distribution lists.

Unfortunately, this claim is misleading. The uncontested factual record demonstrates that OHA relied almost exclusively on ONA and WSNA, who are on record opposing the transaction and who represent under half of the total survey population, to distribute the survey. Moreover, OHA gave

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union members privileged access to the survey relative to Providence's non-union employees, which further tainted the results. OHA's refusal to acknowledge (much less address) these fundamental methodological flaws taints the entire comprehensive review process.

a. OHA Relied on Unions to Distribute the Survey

Despite the claim that OHA sought "to reach as many employees as possible," OHA distributed the survey via two unions who are vocal critics of this transaction, but made no similar efforts to reach out to non-represented employees in Oregon. Ultimately, this resulted in the unions soliciting and collecting virtually all survey responses.

Providence and Compassus requested all public records regarding the preparation and distribution of this survey. Through these records and other publicly available sources, we can put together the following timeline:

- In October 2024, ONA announced its opposition to this affiliation. Since it has encouraged regulators to stop the deal and asked its members to submit public comments in opposition to this transaction.
- On May 22, 2025, OHA solicited the unions' assistance in distributing the survey to their members.
- On June 16, OHA gave the unions the opportunity to review and approve the survey prior to distributing it to their members.
- On July 2, OHA gave the unions direct links to the survey and requested the unions to begin soliciting responses.
- In early July, union members began receiving direct email solicitations from the unions to complete the survey, often alongside messaging critical of Providence and/or the joint venture. Non-union employees received no affirmative outreach from OHA or anyone else.
- On July 22, a full two months after initially contacting the unions about the survey, and three weeks after OHA gave the unions direct access to the survey, Providence and Compassus first learned of the survey through union communications. At this point the survey is not public. The survey is not mentioned or available on the OHA website. Nor have any non-represented employees received any direct solicitations from OHA to complete the survey.
- On July 23 at 3:36 PM, counsel for Compassus emailed OHA requesting information on the surveys.
- On July 23 at 4:22 PM, OHA confirmed that OHA staff had created the survey and enlisted ONA and WSNA to distribute it to their members. OHA also noted that the survey questions (but not the survey itself) had been published on the transaction website "within the last hour."¹

Thus, OHA engaged in a months-long, affirmative effort to obtain union participation in the survey. OHA also gave the unions advanced access to, and input into the content of, the survey. In contrast, OHA made no efforts to reach out to Providence Oregon-based employees caregivers who are not represented by unions, did not solicit their input into the survey, and did not even inform the public of the survey for three weeks following its distribution to the unions.

¹ OHA indicated during a call on July 31st that it was coincidental that they posted the survey publicly within an hour of Providence and Compassus emailing OHA about the survey.

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In prior correspondence regarding this survey, OHA claimed that it used:

ONA and WSNA to assist in transmitting the survey to as many former and current employees as possible, *including forwarding from union represented employees to non-union represented employees*²

(emphasis added). However, a review of OHA’s correspondence with the unions reveals that OHA never mentioned anything about distributing the survey to non-represented employees (via forwarding or otherwise). In fact, when OHA reached out to ONA and WSNA to request their involvement in the survey, OHA specifically said that OHA would like to get the survey “sent out to ONA/WSNA members . . . through ONA’s usual channels.” As a result, ONA and WSNA both explicitly stated that they were delivering the survey only to their “membership.”² We therefore do not understand OHA’s contention that its “sought to reach as many employees as possible,” as OHA made no affirmative efforts to survey non-union-represented employees caregivers in Oregon, who make up almost half of the target population.³

The Survey Report notes that OHA sought participation through “state health care agency distribution lists.” However, this statement is misleading. In fact, OHA did not publicize the survey in Oregon through its email distribution list, home page, or media channels. OHA only used a single “state health care agency distribution list,” and this was the distribution list for the Washington Health Care Authority targeting Washington residents. Yet Washington results were not included in the Survey Report.

Thus, in contrast to the active solicitation of unions described above, the only way that an Oregon-based, non-union-represented employee would have learned of the survey is via a short statement added halfway down OHA’s transaction-specific webpage.⁴ Unsurprisingly, this did not result in a meaningful number of survey takers. Just 7 individuals emailed OHA for a link to the survey.

OHA did not make any affirmative efforts to reach out to Providence’s non-represented employees in Oregon. We raised this issue with OHA as early as July 25, a full two months before the survey closed. However, OHA did nothing to correct this oversight. Thus, OHA’s contention that it sought “to reach as many employees as possible” is misleading.

b. The Unions are Not a Source of Valid Survey Data

While we respect ONA and WSNA, these unions are not a source of valid survey data on Providence

² See the email from Page Spence dated July 18 indicating that “It’s out to our [ONA’s] membership now!,” and the email from Jessica Hauffe dated July 2, indicating that “We [WSNA] have approval for our members to take the survey.”

³ OHA’s reliance on ad hoc “forwarding from union represented employees to non-union represented employees” is inherently problematic as this gives the union-represented employees discretion over which non-represented employees receive the survey and which do not.

⁴ We note that the survey notice posted to the transaction website was itself misleading. While the survey was still ongoing, the notice stated that OHA “fielded surveys” (past tense), and that current or former employees should email OHA “if . . . [they] did not receive an invitation to complete the survey.” This phrasing suggests that OHA sent invitations to complete the survey and that employees could no longer take the survey. Neither was true and further reduced the likelihood that non-union employees will participate.

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caregivers.

First, ONA and WSNA cannot provide a representative sample of caregivers. ONA represents only 60% of Providence's home health and hospice caregivers in Oregon. WSNA represents only 2% of the joint venture's home health and hospice caregivers in Washington. Accordingly, any survey distributed through ONA and WSNA will exclude approximately half of the population targeted by the survey.

Second, relying on ONA and WSNA to distribute the survey taints the results with bias. ONA openly opposes this transaction and, for much of the period when this survey was open, was negotiating a collective bargaining agreement with Providence. ONA has encouraged its members to speak out against the joint venture, including by drafting a template opposition letter for its members to submit to OHA. WSNA has also expressed concerns about the joint venture. We of course respect the position of the unions and are working with the clinical workforce to address their concerns. However, distributing this survey via an organization that opposes this transaction, and alongside messaging that disparages the transaction, contravenes basic standards of survey integrity and fairness.

c. Non-Union Employees Were Denied Direct Access to the Survey and Were Not Granted the Same Level of Anonymity as Union Employees

Given the unions' stated opposition to the affiliation, OHA should have taken care to ensure that union and non-union employees had equal access to the survey. OHA did not do so. In fact, union members had direct, anonymous, and unmonitored access to the survey, while non-union members could only receive the survey by identifying themselves to OHA via email. This is problematic for several reasons.

First, this process meant that non-union employees had to jump through administrative hoops to complete the survey that union members did not. Not only would non-union employees have had to learn of the survey (likely through independent research or happenstance), they would also need to email OHA to request a survey, wait for OHA to respond, then click on the link to finally access the survey. In contrast, OHA gave a direct link to the survey to all union members. Unsurprisingly, this discrepancy suppressed survey participation by individuals who did not receive direct solicitations from the unions. Just 7 individuals in Oregon (or 3% of survey takers) requested a survey link via the website. This unequal access to the survey biases the results.

Second, OHA ensured that union members could complete the survey anonymously, without providing any identifying information to OHA. However, non-union members had to email OHA directly, which necessarily identifies the survey taker to OHA and therefore destroys anonymity. OHA claimed that such procedures were necessary to prevent "'fake' anonymous responses." However, this reflects a double standard. OHA imposed identity checks only for non-union employees; the unions and their members (the vast majority of whom are not current or former Providence home health and hospice employees) had unfettered access to the survey via a direct link.

Moreover, OHA took no steps to ensure that survey responses collected through the unions' direct link were genuine. Specifically, OHA did not do anything to verify that survey responses were unique or from current or former Providence or Compassus employees. Nor did OHA ask or require

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the unions to (a) distribute the survey only to Providence/Compassus home health and hospice employees (as opposed to a broader list of union members), (b) avoid making the survey links public, or (c) explicitly instruct non-Providence/Compassus home health and hospice employees to not complete the survey. Indeed, the unions have made the survey links public on *their* website, which allows anyone to complete the survey without verification. OHA has no visibility into who received the direct survey link from the unions, who is responding to the survey, or how many times a single individual has completed the survey.

OHA's inability to verify any of the survey responses solicited by the unions, together with the additional procedural hurdles put in place for non-union employees, renders the survey results both unreliable and non-representative.

II. Unclear Survey Questions Produced Misleading Results

The Survey Report presents a point-in-time analysis that is devoid of necessary context, which renders the results both misleading and highly prejudicial.

Specifically, the survey asks the respondent the following questions regarding communications about the transaction:

Question 7: I have received timely and clear information from Providence and/or Compassus leadership about what changes to expect if Compassus takes over management of home health and hospice services in Oregon.

Question 8: My questions and concerns about changes that might occur if Compassus takes over management of home health and hospice services in Oregon have been adequately addressed by either Providence or Compassus.

These questions lack necessary context. Specifically, the HCMO review process (which has been ongoing for almost a calendar year) makes it impossible for Providence, its employees, and Compassus to know if or when this affiliation will close. Additionally, OHA has the authority to place conditions on this transaction, so there may be material changes to the transaction prior to closing. As such, Providence and Compassus have made the conscious decision not to overwhelm caregivers with information about a closing that may still be months away and may be subject to additional changes. OHA is therefore collecting information about the quality and sufficiency communications at a point in time when many such communications have not yet occurred because OHA's review remains ongoing.

Question 9 is also problematic. It asks:

Question 9: What types of changes *has Providence or Compassus told you* to expect if Compassus takes over management of home and health hospice operations in Oregon?

OHA has already requested, and Providence and Compassus have already provided, all communications to staff regarding this transaction. Providence and Compassus have also answered myriad questions from OHA about their post-closing plans. Thus, by asking employees what they

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“have heard,” OHA is actively soliciting hearsay regarding topics that the parties have addressed with direct evidence.

Finally, Questions 11 through 17 solicit information about the respondent’s “feelings and beliefs about the proposed change in management.” However, this question lacks the necessary context regarding the alternatives to the transaction. Providence has publicly stated that, if OHA does not approve the joint venture, Providence would be forced to stop taking on new home health and hospice patients and would diligently work to transition active patient care to other organizations in the community. However, this vital context is absent both from the survey questions and the Survey Report. The survey takers would likely respond differently if they understood the alternatives to the transaction, which would be a significant curtailing of home health and hospice services in Oregon.

Because OHA’s survey and Survey Report lacks this vital context, it is highly prejudicial and misleading.

III. OHA is Not Following its Own Rules Regarding Comprehensive Reviews

Lastly, nothing in HCMO’s authorizing statute, implementing regulations, or published guidance contemplates that OHA will conduct this type of independent union survey as part of a comprehensive review, nor does it contemplate that OHA will publish interim reports regarding the data they collect. Thus, this Survey Report violates OHA’s own rules and standards regarding comprehensive reviews.

Under OAR 409-070-0045(9), OHA must review HCMO filings “using the Analytic Framework, published on the Program website” pursuant to standards that are “clear, fair, predictable, and consistent.” It is true that HCMO’s Analytic Framework indicates that it is “not exhaustive” and that HCMO “may incorporate new data sources.” However, Page 1 of the framework also states that OHA will “update this framework as needed to . . . clarify implementation of the framework for specific transactions.” No such updates have been made regarding the use of union surveys, nor could such updates be made retroactively.

Thus, OHA appears to be ignoring OAR 409-070-0045(9) when it (a) conducts a union survey that is outside the scope of the Analytic Framework, (b) relies on survey data that is not directly relevant to any use of survey data articulated in the Analytic Framework⁵, and (c) uses data that is misleading and inherently biased because it only captures members of an organization that opposes the transaction. All this has been done without the promised updates to the Analytic Framework. This is not “clear, fair, predictable, and consistent.”

Finally, we are confused why OHA is releasing this Survey Report without the appropriate context of a final review report. Nothing in OHA’s statutes, rules, or guidance documents contemplate that OHA will release interim reports, nor is there any precedent for doing so. As noted above, the Survey Report as drafted is highly misleading given its reliance on survey results collected by an organization that opposes the transaction. Even if OHA refuses to disregard the survey data entirely,

⁵ The HCMO framework contemplates using “workforce/directory surveys” to assess “workforce diversity/representation” for the equity domain, and “workforce/capacity data” to assess “number of providers/clinicians” on the access domain. Neither are relevant to the surveys at issue here.

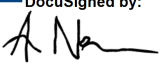
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it could at very least provide the data in the context of its final approval report. Failure to do so will serve no purpose other than to prejudice the review process with incomplete and misleading data.

OHA justifiably prides itself on its efforts to make the HCMO process transparent and objective. We respectfully submit that OHA's survey and Survey Report undermines transparency and creates a perception of bias. We renew our request for OHA to disregard the survey data or, failing that, provide the data only the context of a final review report.

Regards,

DocuSigned by:

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Anna Newsom

Corporate Secretary

12/12/2025

cc: Timothy Hatfield
Matthew Hans

Signed by:

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12/12/2025

Russ Adkins

Corporate Secretary

Compassus

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Exhibit A

Schedule of Communications Regarding the Survey

- On or before May 22, 2025, OHA called ONA requesting help from WSNA and ONA to circulate the survey.
- On May 27th, OHA indicated they would like to “get [the surveys] sent out to ONA/WSNA members” through “ONA’s usual channels.”
- On June 12th, WSNA indicated they would only commit to distributing the survey if OHA provided WSNA the questions in advance.
- On June 16th, OHA agreed to provide WSNA the questions in advance, and delivered the questions to WSNA on June 25th.
- On July 2nd, WSNA indicated that it had received “approval for our members to take the survey.”
- That same day (July 2nd) OHA distributed the survey and instructions to the unions.
- That same day (July 2nd) ONA confirmed they had distributed the survey to their members, and would “elevate” to get responses.
- On July 18th, WSNA published the survey on its website.
- On July 23rd at 3:36PM, counsel for Compassus emailed OHA requesting information on the surveys, which were unknown to the parties and had been posted publicly on both the ONA and WSNA websites.
- On July 23rd at 4:22PM, OHA confirmed that OHA staff had enlisted ONA and WSNA to distribute the survey and noted that the survey questions (but not the survey itself) had been published on the transaction website “within the last hour.”