

Health Care Market Oversight (HCMO) 2025 Rulemaking

Summary of public comment received

Oregon’s Health Care Market Oversight (HCMO) program has received considerable public comment since the last rulemaking update in 2024. OHA has posted detailed inventories of feedback on potential rule changes for the [first](#) and [second](#) Rules Advisory Committee (RAC) meetings.

This document includes [all comments received from December 4, 2025 through January 7, 2026](#). Comments received after January 7th are not reflected in the current document. This document (or a similar document) will be updated to reflect comments received after January 7th and after the final RAC meeting. Comments are organized by rule section.

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409-070-0030 Requirement to File a Notice of Material Change Transaction

Comment #	Date received	Comment
31	01/05/2026	<p>Fees and Penalties: In the absence of General Fund investment in the program, the agency is proposing a marked increase in the fees it charges for all levels of review:</p> <ul style="list-style-type: none"> - \$2,000 for an emergency review, representing a new fee; - \$30,000 for a preliminary review, representing a new fee; - \$200,000 to \$350,000 for a comprehensive review, depending on the sizes of the parties subject to the transaction, amounting to a 233% to 700% increase in existing fees; and - \$15,000 to \$30,000 for follow-up reviews after approval, which are also new fees. <p>In addition, the proposed rules contemplate a \$10,000 civil penalty for failing to timely responding to a clarifying question.</p> <p>No applicant has successfully completed and been approved to proceed with a comprehensive transaction under this program. With a lack of precedent to understand how the agency may act on a comprehensive review coupled with the considerable amount of multipart questions entities must answer, a comprehensive review already represents a likely brick wall to a transaction. The addition of a high fee could effectively freeze any transaction activity in Oregon, except for the largest corporate entities who can part with such vast sums of money.</p>

Other

Comments received that do not directly apply to an administrative rule.

Comment #	Date received	Comment
31	01/05/2026	<p>Statement of Need and Fiscal Impact: During the December 11 rulemaking advisory committee meeting, OHA staff and committee participants did not have enough time to go over in detail the draft statement of need and fiscal impact (statement). The agency mentioned during the presentation on the fees that a study had been conducted to inform the fee increases to sustain the program. Unfortunately, from the draft statement, it does not appear that the substantive information from the fee study made its way into the statement. More broadly, the statement feels incomplete at this stage in the process.</p> <p>Under Oregon’s Administrative Procedures Act (APA), state agencies adopting rules must include “[a] statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public.” ORS 183.335.</p> <p>In an era of dwindling state resources and ever-increasing pressures on the health care system writ large, we believe that a collective understanding of the impacts of policy choices becomes paramount. Every rulemaking the agency undertakes will compel someone to carry out some directive, and those directives need time, resources, and people to complete. The cumulative impact of decisions made through rulemaking add additional cost pressures on the health care sector and those who administer it or rely on it. We believe the agency needs to be more mindful in its policy setting role to understand those fiscal impacts.</p> <p>The significant increase in the fees in itself is a fiscal impact, but from reading the statement an interested member of the public would not be able to discern if their interests (i.e., in paying substantial sums for an application) would be affected if the rules were adopted. At a minimum, the statement should reflect the fee study completed to justify the increases in fees paid by market participants.</p> <p>Other parts of the draft statement present problems for interested members of the public. For example, several passages simply state that the program is meant to impart a positive impact on Oregonians,</p>

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		<p>without quantifying how and to what extent the proposed rules positively impact health care access and affordability. The section quantifying fiscal impacts to members of the public is surprisingly light, and does not touch on impacts to health care entities, Oregonians seeking access to care, or other units of local government who may be affected by transactions (or lack thereof).</p> <p>We also believe that the agency can and should determine how many small businesses may be subject to these rules. It is not outside the realm of possibilities that an independently owned practice employing 50 or fewer people could also meet the revenue thresholds that would require the filing of a transaction review. Nonetheless, it is up to the agency to make that determination or explain why it does not have the data to do so.</p> <p>Perhaps this is the plan for the next possible rulemaking advisory committee meeting, but the agency should be gathering available information about the cost of professional services businesses need to complete a HCMO transaction review. As most of the costs, aside from application fees, lie in professional services, it is vital that the agency attempt to quantify those costs.</p>