

Oregon’s Health Care Market Oversight Program

Required Forms to Notify the Oregon Health Authority of a Proposed Material Change Transaction

Introduction

Oregon Revised Statute (ORS) 415.500 to 415.900 authorizes the Oregon Health Authority (OHA) to review proposed material change transactions involving health care entities. OHA calls this the Health Care Market Oversight (HCMO) Program. Qualifying entities proposing a material change transaction must complete and file forms with the HCMO Program according to the instructions below.

The purpose of these forms is for the proposing entity (here referred to as the “applicant”) to explain to OHA the details of the transaction and convey how the transaction will reduce the growth of consumer and employer costs, increase equitable access to services, increase the quality of services, and increase health equity.

Resources:

- Oregon’s Health [Care Market Oversight Program](#) website
- Program administrative rules [409-070-0000 through 409-070-0085](#)
- [ORS 415.500 through 415.900](#):
- [House Bill 2362](#) (2021)

Technical Assistance

The Authority will make available technical assistance to entities prior to submission of a notice of proposed material change transaction. The Authority will also engage in pre-filing and comprehensive review conferences with entities. Contact HCMO.Info@oha.oregon.gov to schedule a pre-filing conference or for any other questions.

Which Forms an Applicant Must Complete

For all HCMO forms, the term “applicant” refers to one entity, as designated by the entities involved in the transaction. Only one party to the proposed transaction needs to file the applicable forms. Completed forms should be emailed to HCMO.Info@oha.oregon.gov.

The applicant must complete all required forms in accordance with these instructions.

Form	Who Submits
Notice of Material Change Transaction Form	All applicants, except those applying for emergency exemption. This form will be published.
National Provider Identifier	Transactions in which any of the entities have associated

Form	Who Submits
(NPI) Form	NPIs (e.g., provider organizations, health systems, hospitals)
Emergency Exemption from Material Change Transaction Review Form	Applicants requesting emergency exemption (Note: for a transaction to obtain emergency exemption from review, there must be an emergency situation that immediately threatens health care services and is urgently needed to protect the interest of consumers and preserve the solvency of an entity. Applicant is not required to submit any other forms)
Rebutting Presumption of Control Form	Applicants wishing to rebut the presumption of control. This form will be published.
Determination of Covered Transaction Status	Applicants requesting that OHA determine whether or not a material change transaction notice is required.

There is no form required for transactions requiring a comprehensive review. OHA will notify entities if a comprehensive review is required and will tailor any follow-up questions based on the proposed transaction and any issues resulting from the preliminary review.

Transactions Involving Domestic Health Insurers

For transactions involving domestic health insurers, entities may be required to submit a Department of Consumer & Business Services (DCBS) Form A, as described in ORS 732.521. If that is the case, HCMO forms will be submitted to DCBS along with the Form A submission. Please [contact DCBS](#) for more information about Form A submissions.

Per OAR 409-070-0035, the review period for material change transactions begins when OHA receives a completed transaction notice. In order to get the review period started, entities are encouraged to copy the HCMO team electronically on material change transaction notice submissions to DCBS.

Publishing Materials

The completed Notice of Material Change Transaction and Rebutting Presumption of Control forms will be published.

If the applicant considers any portion of the form a trade secret as defined in Oregon Revised Statutes 192.345(2) or otherwise exempt from disclosure under Oregon Public Records Law, in order to seek protection from disclosure the applicant shall, at the time of submission: (1) clearly designate that portion as confidential by providing a second redacted copy of the form; and (2) explain the justification for exemption under the Oregon Public Records Law in the response to the question that the applicant is seeking exemption from disclosure.

After review of the form as submitted, OHA may request that the redacted copy of the form be modified if OHA determines that confidential information claimed to be exempt is in fact not exempt from disclosure.

Interpretation of the Oregon Public Records Law, as determined by OHA upon advice of the Oregon Department of Justice, shall determine if the confidential information claimed to be exempt is in fact exempt from disclosure. OHA may release information notwithstanding its being in fact exempt from disclosure. OHA will not be liable to applicant or any other person for release of information applicant claims to be confidential.