

OHA, Public Health Division, Health Care Regulation and Quality Improvement Certificate of Need for Long-Term Care Capacity Rule Advisory Committee (RAC)

Overview

The Oregon Health Authority (OHA), Public Health Division, Certificate of Need (CN) Program is convening a Rule Advisory Committee (RAC) to review proposed amendments to OAR chapter 333, divisions 610 rules relating to demonstrating need for long-term care capacity. Changes are necessary so that the CN program can adequately evaluate CN applications using relevant data, methods, and timelines.

The goal is to have these rules completed and operative no later than January 1, 2027.

Purpose

The RAC will be used to seek input and suggestions on amending administrative rules prior to giving notice of intent to amend administrative rules with the Secretary of State's office. The RAC will also be used to seek input on the potential fiscal and economic impact of the proposed rulemaking on affected persons, including whether changes will have a significant adverse impact on small business. Additionally, the RAC will consider how the adoption of these rules will affect racial equity in Oregon.

The RAC's role is advisory only and consensus is not necessary. In accordance with OHA policy, the CN Program will consider the RAC's input for possible integration into the final rule.

Membership

Members of the RAC have been identified based on interests of persons and communities most likely to be affected by the proposed rules and include representation from nursing facilities, professional associations, and consumer advocates for long-term care settings.

In accordance with OHA policy, outside entities may send one representative to participate on the RAC.

Additional representation may be considered based on the topics under consideration.

What to Expect as a RAC Member?

RAC members are asked to attend meetings regularly via remote participation (Microsoft Teams). If a RAC member is unable to attend a meeting, they should consider whether

someone else should be identified to serve. If a RAC member is sick or something unexpected comes up, a designated substitute may attend the meeting in their place. OHA is unable to compensate RAC members for their participation.

The CN Program will provide the RAC with material to review prior to each meeting. Material will consist of proposed administrative rules, relevant state or federal regulations, and other material as determined necessary.

CN Program staff member(s) will lead the meeting and summarize each section of rules with proposed changes. RAC members will be given an opportunity to provide input and comments on each section, ask questions, explain concerns, propose new language, and voice their opinion.

Most revisions will occur during RAC meetings, while others may take place between meetings through email. RAC members will be kept informed of any proposed changes.

Meeting notes will be drafted after each meeting and will reflect matters discussed. Notes will be distributed to RAC members and interested parties prior to the next scheduled meeting, if time allows.

All written correspondence received from RAC members is considered public record and all comments received during the RAC process will be posted online.

Public participation

Meetings of the RAC are open to the public but are not subject to the public meeting law.

Members of the public may attend to observe but may not participate during the discussions. Public comment may be submitted to CN Program staff by email following each RAC meeting or during the official public comment period scheduled at a later date. All written public comments received are considered public record and will be posted online.

Communication between the RAC and CN Program Staff

RAC members are encouraged to communicate information or concerns directly with staff which may be provided to all RAC members.

Timeline

Two RAC meetings have been scheduled:

- September 15, 2026 from 9 a.m. – 12 p.m.
- September 24, 2026 from 9 a.m. – 12 p.m.

The CN Program intends to hold a public hearing and obtain public comment in November 2026.

Next Steps After RAC Meetings

After the RAC meeting(s) have concluded, program staff will consider all information provided, make any additional amendments, and file final proposed rules with the Secretary of State's office. Interested parties will be notified about the opportunity to provide written or oral public comment.

When the public comment period has closed, program staff will review all public comments submitted orally at the public hearing or in writing, respond to comments received, and consider whether additional changes to the rule are necessary based on the comments received.

Final rule text will be filed with the Secretary of State's office and an effective date identified.

