

October 19, 2022

Public Comment for Health Care Market Oversight Program Secretary of State Rules Hearing

We appreciate OHA's tireless work since the passage of HB2362 to facilitate an inclusive process for developing the Health Care Market Oversight Program. Over many months, agency staff carefully considered the perspectives of both advocates and the industry and developed clear, consistent guidance for healthcare entities engaging in transactions that may be subject to review.

We believe the rules being considered by the Secretary of State ensure the program continues to reflect its original legislative intent. Our brief reflections are as follows:

1. We are glad to see that the four categories of services essential to achieving health equity included in the sub-regulatory documents will be enshrined in rule as written. We believe these categories provide specificity, but also the flexibility to ensure that transactions are examined on the dimensions that affect health equity across diverse communities throughout our state.
2. While we have gone on the record to state that ideally *any* negative impact to essential services should trigger review, we accept codifying the one-third reduction currently in the sub-regulatory documents into rule.
3. We are pleased to see that OHA chose to shorten the timeline outlined in section 409-070-0022(8) related to when the agency will publish the entity names and type of emergency transactions that are exempted from review. We believe shortening the timeframe to six months is much more reasonable and in the public's interest.
4. And finally, we are supportive of the final fee schedule proposed by OHA. This is a fee-funded program, and it is in the interest of the industry and patients to ensure that skilled professionals are conducting these reviews. OHA should be provided the resources they believe are necessary to carry these out with integrity.

With these changes, we believe the program will be well-positioned for success in 2023 and beyond.

