

February 13, 2024

Oregon State Legislature  
House Committee on Behavioral Health and Health Care  
900 Court Street NE  
Salem, OR 97301  
*Submitted electronically via OLIS*

RE: House Bill 4139, relating to certificate of need

Chair Nosse and Members of the Committee:

Since 1971, Oregon has had a robust Certificate of Need (CON) program within the Oregon Health Authority (OHA) that evaluates whether there is a demonstrated need for proposed health care services or facilities. CON serves a health planning and regulatory function with the goal of “reasonable access to quality health care at a reasonable cost.”<sup>1</sup> This includes providing the state a mechanism to balance access to care across geographic regions, manage capacity, promote the use of less institutional care settings, and avoid inappropriate duplication of services. Oregon is not unique in this regard; 35 states currently have a CON requirement.

It is for this reason that we believe that any changes to CON are too multi-faceted and complicated to be undertaken during a short legislative session. This year’s short session does not offer legislators or stakeholders a reasonable timeline to consider HB 4139 in a prudent manner. CON directly and indirectly affects the entire continuum of care. As such, a thoughtful and collaborative discussion with stakeholders must precede any efforts to change the program so there is a shared recognition of the potential short and long-term impacts including fiscal impact to the state, the cost, access, and quality of care for Oregonians, and other unintended consequences. To date, this process has not occurred.

Finally, before considering changes to CON, the state must understand and address the root causes of the capacity challenges across the continuum of care to ensure that policy solutions are evidence-based and will result in expanded access to staffed beds. This is imperative as we share a common goal with OHA’s CON program that Oregonians should receive the right care, in the right place, at the right time.

Thank you for your consideration.



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<sup>1</sup> Oregon Health Authority, Certificate of Need webpage:  
[https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/HEALTHCAREPROVIDERSFACILITIES/CERTIFICATE\\_NEED/Pages/index.aspx](https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/HEALTHCAREPROVIDERSFACILITIES/CERTIFICATE_NEED/Pages/index.aspx)