

HB 4139 - Modernizing Certificate of Need

Streamlines Oregon's Certificate of Need Process by Eliminating the Competitor's Veto

APPEAL PROCESS

34 of the 39 jurisdictions with CON programs (including Oregon) allow an applicant's would-be competitors to object to their applications. This can result in full-blown litigation and leads to further costs and delays.



RECENT APPLICATIONS

Unlike traditional licensing programs, which focus on qualifications, Oregon's CON scheme prioritizes entrenched business interests over patient options.

- On March 13, 2020, OHA issued two separate Proposed Decisions granting a Certificate of Need to Encompass Health Rehabilitation Hospital and Post Acute Medical (PAM)
- Prior to the issuance of the Proposed Decisions, Legacy Health and Oregon Health Care Association (OHCA) had filed and been granted petitions with the Authority to participate in the matters as affected parties.
- Both PAM and Encompass' applications remained in the court of Appeals for the next three years, until they both withdrew their applications in 2023

-7 AMENDMENT FIXES THE PROBLEM BY:



- Allowing only applicants for or holders of certificates of need to request public or hearings related to applications or revocations
- **Eliminating the ability of competitors to delay issuance of a certificate of need the state has deemed necessary and approved**
- Preserving an applicant's right to appeal an adverse final certificate of need decision in state court
- **Streamlining the review and reconsideration processes,** empowering the state to issue certificates of need for essential health services in a more timely manner