California's Emergency Regulations for Health Care Entity PreTransaction Notices Are Now Under Review by the Office of Administrative Law

Insights 12.08.23

On December 8, 2023, the California Office of Health Care Affordability ("OHCA") sent its finalized draft emergency regulations, requiring health care entities to notify OHCA at least ninety (90) days before the closing of a material change transaction, to the Office of Administrative Law ("OAL") for review.

The public has an opportunity to provide comments on the draft emergency regulations to OAL and OHCA until December 13. OAL will then have until December 18 to review and either approve or disapprove the regulation, and upon approval the regulations will become final.

You can find the final draft emergency regulations here and a copy of OHCA's findings in support of emergency action and its rationale for the draft emergency regulations here. Instructions on submitting comments to OHCA and OAL are available here. Our prior alerts analyzing prior versions of the draft emergency regulations can be found here and here and you can find more information on OAL's emergency rulemaking process generally on OAL's website, available here.

Our firm will be hosting a webinar on Thursday, December 21, 2023 at 12:00 PM PST to discuss the finalized regulations and the upcoming pre-transaction notice process. We will continue to monitor developments and provide you with timely updates and guidance to assist you in navigating these new requirements.

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