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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 11.5@ Promotion of Competitive Health Care Markets; Health Care Affordability

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Article 1@ Material Change Transactions and Pre-Transaction Review

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Section 97440@ Timing of Review of Notice and Tolling

## **97440 Timing of Review of Notice and Tolling**

### **(a)**

Timing of Review of Notice. For purposes of this subsection, a notice shall be deemed complete by the Office on the date when all of the information required by section 97438 of these regulations has been submitted to the Office by all health care entities who are parties to the transaction and required to submit under section 97435(b). (1) Subject to subsection (b), should OHCA determine it will not conduct a CMIR, OHCA will notify the submitters of this determination within 45 days after the filing of a complete notice. The Office and the submitter may agree to a later date by mutual agreement, which shall be in writing and specify the date on which the Office and the parties have agreed. (2) Subject to subsection (b), should OHCA determine it will conduct a CMIR, it will notify the submitters of that determination within 60 days after the filing of a complete notice. (3) Should the scope of the transaction materially change from that outlined in the initial notice, the 45-day and 60-day periods shall be restarted by the Office.

### **(1)**

Subject to subsection (b), should OHCA determine it will not conduct a CMIR, OHCA will notify the submitters of this determination within 45 days after the filing of a complete notice. The Office and the submitter may agree to a later date by mutual agreement, which shall be in writing and specify the date on which the Office and the parties have

agreed.

**(2)**

Subject to subsection (b), should OHCA determine it will conduct a CMIR, it will notify the submitters of that determination within 60 days after the filing of a complete notice.

**(3)**

Should the scope of the transaction materially change from that outlined in the initial notice, the 45-day and 60-day periods shall be restarted by the Office.

**(b)**

Tolling of 45-day and 60-day periods. (1) The 45-day and 60-day periods shall be tolled during any time period in which the Office has requested and is awaiting further information from the parties to a material change transaction necessary to complete its review. (2) The Office shall toll the 45-day and 60-day periods during any time period in which review of the transaction by another state agency, federal regulatory agency, or court may impact the Office's determination.

**(1)**

The 45-day and 60-day periods shall be tolled during any time period in which the Office has requested and is awaiting further information from the parties to a material change transaction necessary to complete its review.

**(2)**

The Office shall toll the 45-day and 60-day periods during any time period in which review of the transaction by another state agency, federal regulatory agency, or court may impact the Office's determination.