

## **97439 Request for Expedited Review of Notices of Material Change Transaction**

### **(a)**

A submitter may request expedited review of a notice of a material change transaction by providing the Office, concurrently with the submission required by section 97435: (1) A detailed explanation, in accordance with subsection (b), of the conditions necessitating expedited review; (2) Any documentation substantiating the necessity of expedited review; and (3) The date by which the submitter requests that the Office complete its review.

#### **(1)**

A detailed explanation, in accordance with subsection (b), of the conditions necessitating expedited review;

#### **(2)**

Any documentation substantiating the necessity of expedited review; and

#### **(3)**

The date by which the submitter requests that the Office complete its review.

### **(b)**

A submitter must demonstrate that either of the conditions below exists: (1) Severe financial distress of one or more of the parties to the transaction. "Severe financial distress" means grave risk of immediate business failure, such as a substantial likelihood that a party to the transaction (or an entity affected by the

transaction) will have to file for bankruptcy under Chapter 11 of the Bankruptcy Act (11 U.S.C. Sec. 1101 et seq.) absent expedited review, and that the transaction is necessary to ensure continued health care access in the relevant markets. (2) A substantial likelihood of a significant reduction in the provision of critical health care services within one or more geographic regions.

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**(2)**

A substantial likelihood of a significant reduction in the provision of critical health care services within one or more geographic regions.

**(c)**

A submitter may request that information submitted pursuant to subsection (a) be held confidential in accordance with section 97438(d). If a request for confidentiality is denied in any part, a submitter may withdraw a request to expedite review by submitting a request through the portal.

**(d)**

The Office will grant the request if the submitter has demonstrated that conditions for expedited review exist and the transaction is required to address such conditions.