

DIVISION 70

RACE, ETHNICITY, LANGUAGE, AND DISABILITY DEMOGRAPHIC DATA COLLECTION STANDARDS

943-070-0000

Purpose

These rules establish uniform standards and practices for the collection of data on race, ethnicity, preferred spoken or signed and preferred written language, and disability status by the Oregon Health Authority (Authority) and Department of Human Services (Department). Standardized data collection methodology will improve the ability of the Authority, Department, community stakeholders, elected officials, and other decision makers to recognize, address, target and eliminate inequities experienced by distinct racial, cultural, and linguistic communities, and by people with disabilities. Based on local, state, and national best practices, these standards allow the Authority and Department to meet federal reporting expectations; compare Oregon's progress with national trends; improve quality service delivery; and ensure equitable allocation of resources.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

Hist.: OHA 2-2014, f. & cert. ef. 3-10-14

943-070-0010

Definitions

The following definitions apply to OAR 943-070-through 943-070-0070:

(1) "American Indian or Alaska Native" means an individual:

(a) Identifying as a member of the federal demographic category meaning an individual that is a member of a federally-recognized Indian tribe or an individual who:

(A) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State of Oregon, or an individual who is a descendant, in the first or second degree, of any such member.

(B) Is an Eskimo or Aleut or other Alaska Native.

(C) Is considered by the Secretary of the Department of Interior to be an Indian for any purpose.

(D) Is determined to be an Indian under regulations promulgated by the Secretary of the Department of Health and Human Services.

(b) Having origins in any of the original peoples of North and South America (including Central America) and maintaining a tribal affiliation or community attachment.

(2) "African" means an individual identifying with or descending from any of the racial groups of Africa whose national origin is from a country on the continent of Africa.

(3) "African American or Black" is a federal demographic category meaning an individual identifying with or descending from any of the black racial groups of Africa.

(4) "Asian" is a federal demographic category meaning an individual identifying with or descending from any of the original peoples of East Asia, Southeast Asia, or South Asia including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(6) "Authority" means the Oregon Health Authority.

(7) "Declined to answer" is a demographic designation used when the individual actively chooses not to provide information on their race or ethnicity.

(8) "Demographic data" means collected information related to age, gender, race, ethnicity, preferred spoken, signed and written language, and disability status. Demographic data under these rules will be collected for the purpose of better understanding populations who interact with the Authority and the Department.

(9) "Department" means the Department of Human Services.

(10) "Disability" means a condition meeting the criteria for establishing that an individual has a disability under ORS 659A.104.

(11) "Ethnicity" means a demographic designation for a group of people sharing a culture that includes race, religion, language, and other cultural characteristics including ancestry or country of origin.

(12) "Hispanic or Latino" is a federal demographic category meaning an individual of Cuban, Mexican, Puerto Rican, Dominican, South or Central American, or other Spanish culture or origin, regardless of race.

(13) "Race" means a demographic designation for a group of people who share a common heredity.

(a) Race includes shared ancestry, national origin and sociocultural characteristics.

(b) Race is not a biological, anthropological or genetic distinction.

(14) "Native Hawaiian or Other Pacific Islander" is a federal demographic category meaning an individual having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(15) "Other" means an individual identifies with a demographic designation not listed.

(16) "Primary racial or ethnic identity" means the race or ethnicity with which an individual most identifies when opting to choose from multiple designations.

(17) "Unknown" means a category used when a demographic designation is missing for some reason other than the individual declining to answer and includes, but is not limited to situations where:

(i) The individual or caregiver is unable to provide an answer; or

(ii) There is no available family member or caregiver to respond for the individual.

(18) "White" is a federal demographic category meaning an individual having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicate their race as "White" or report entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian..

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943-070-0020

Demographic Data Collection Standards

(1) To the greatest extent practicable, all programs and activities of the Authority and Department that collect, record or report any demographic data through any means shall collect race, ethnicity, preferred spoken, signed and written language, and disability status data in accordance with these rules and implementing policy.

(2) To the greatest extent practicable, contractors and subcontractors who collect, record or report any demographic data on behalf of the Authority and Department shall collect race, ethnicity, preferred spoken, signed and written language, and disability status data in accordance with these rules and implementing policy

(3) To the greatest extent practicable, the Authority, the Department and agency contractors and subcontractors should ask individuals to self-report race, ethnicity, preferred signed, written and spoken language and disability status information.

(a) Authority, Department or contractor staff shall not assume or judge ethnic and racial identity, preferred signed, written and spoken language, or disability without asking the individual.

(b) If an individual is unable to self-report and a family member, advocate, or authorized representative is unable to report on his or her behalf, the information shall be recorded by staff as unknown.

(c) When a demographic category is listed as unknown, demographic data shall be requested at a subsequent encounter.

(4) When an individual declines to identify race or ethnicity or preferred signed, written, or spoken language, or disability status the information shall be reported by staff as declined to answer.

(5) When the race, ethnicity, signed, written or spoken language or disability status of an individual is required by federal law and an individual is unable or unwilling to self-report, this information shall be recorded in the data collection instrument and additionally identified as "staff determined," and combined with the "unknown" category for state level analysis.

(6) Requests for demographic information shall be distinct from questions related to program eligibility criteria and an individual's decision not to answer questions related to demographic data shall not affect eligibility for public assistance programs.

(7) Nothing in these rules shall be construed to prohibit the collection of information for purposes of establishing eligibility for a specific program or service.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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943-070-0030

Race and Ethnicity Demographic Data Collection Standard

(1) To the greatest extent practicable, staff and contractors gathering demographic data from an individual shall ask open-ended questions designed to elicit an unprompted response related to ancestry, race, ethnicity, country of origin or tribal affiliation.

(2) At minimum, the demographic data categories in this section shall be listed with the identifying label of “Racial or ethnic identity” on data collection and intake forms. These categories are designed to aggregate to existing federal reporting categories as those categories are defined in these rules.

- (a) American Indian
- (b) Alaska Native
- (c) Canadian Inuit, Metis or First Nation
- (d) Indigenous Mexican, Central American or South American
- (e) Hispanic or Latino Mexican
- (f) Hispanic or Latino Central American
- (g) Hispanic or Latino South American
- (h) Other Hispanic or Latino
- (i) Chinese
- (j) Vietnamese
- (k) Korean
- (l) Hmong
- (m) Laotian
- (n) Filipino/a
- (o) Japanese
- (p) South Asian
- (q) Asian Indian
- (r) Other Asian
- (s) Native Hawaiian
- (t) Guamanian or Chamorro
- (u) Samoan
- (v) Other Pacific Islander
- (w) African American
- (x) African

- (y) Caribbean
- (z) Other Black
- (aa) Western European
- (bb) Eastern European
- (cc) Slavic
- (dd) Middle Eastern
- (ee) Northern African
- (ff) Other White
- (gg) Other
- (hh) Unknown
- (ii) Decline to Answer

(3) The Authority and Department shall instruct individuals, either in writing or verbally, that more than one racial or ethnic category may be chosen.

(a) Individuals who select multiple categories shall be asked an additional question regarding their primary racial or ethnic affiliation using the categories listed in section (2).

(b) Individuals may decline to select a primary racial or ethnic identity.

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Communication Demographic Data Collection Standards

(1) To the greatest extent practicable, staff and contractors gathering demographic data shall ask open-ended questions designed to elicit an unprompted response related to preferred spoken, signed and written language.

(2) At minimum, the following questions shall be included on data collection and intake forms.

- (a) In what language do you want us to speak with you?
- (b) In what language do you want us to write to you?
- (c) Do you need an interpreter?
- (d) Do you need a sign language interpreter?

(e) Do you need written materials in an alternate format? If yes, which?

(f) How well do you speak English? There are four answer categories: Very well, well, not well, and not at all.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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Disability Demographic Data Collection Standards

(1) To the greatest extent practicable, staff and contractors gathering demographic data from an individual shall ask “Are you limited in any way in any activities because of physical, mental, or emotional problems?” Individuals may answer yes, no, don’t know, or decline to answer.

(2) The following set of questions shall be asked to identify sub-groups of individuals with disabling conditions.

(a) Are you deaf or do you have serious difficulty hearing?

(b) Are you blind or do you have serious difficulty seeing, even when wearing glasses?

(c) Because of a physical, mental, or emotional condition, do you have serious difficulty concentrating, remembering, understanding, or making decisions? (ages 5 years and older)

(d) Do you have serious difficulty walking or climbing stairs? (ages 5 years and older)

(e) Do you have difficulty dressing or bathing? (ages 5 years and older)

(f) Because of a physical, mental, or emotional condition, do you have difficulty doing errands alone such as visiting a doctor’s office or shopping? (ages 15 years and older)

(3) For each “yes” response, the individual shall be asked at what age the condition began.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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943-070-0060

Reporting Progress on Implementation

(1) All programs of the Authority and Department that collect demographic data must report to the Office of Equity and Inclusion or Office of Equity and Multicultural Services, as appropriate, in February of each even numbered year. Reports shall include information about each program’s:

(a) Progress in implementing these standards.

(b) Challenges to full implementation of these standards.

(c) Plan for addressing challenges, including identifying responsible staff and timeline,.

(2) The Office of Equity and Inclusion and Office of Equity and Multicultural Services shall use data provided by the programs to create a report for the legislature as required by ORS 413.162.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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Advisory Committee

(1) The Authority and Department may create and implement shared or parallel definitions, policies, procedures and practices that expand on the minimum criteria of these rules.

(2) The Authority, in collaboration with the Department, shall appoint a permanent standing advisory committee composed of individuals or advocates of individuals likely to be affected by the inequities addressed in the collection of race, ethnicity, preferred spoken, signed and written language, and disability status data.

(3) The committee required by this section shall advise the Authority and Department about the creation of definitions, policies, procedures and practices to implement these rules, including recommendations related to:

(a) Protocols for collecting data in consistent, meaningful, culturally-competent ways.

(b) Protocols for protecting client privacy in compliance with state and federal law.

(c) The addition of demographic data subcategories for collection of more accurate and comprehensive data.

(d) Training.

(4) The Authority, in collaboration with the Department and the advisory committee shall review the standards at least once every two years from June 1, 2014, to ensure the standards are up to date, efficient, uniform and consistent with best, promising and emerging practices.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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