

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), and others required by law or contract. 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 (will come back to this last after firm up changes, etc)**

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

(1) "American Indian/Alaska Native" is a federal demographic category meaning an individual having their origins in any of the original peoples of North, Central or South America who maintains tribal affiliation or community attachment, including an individual that is:

1 (a) An individual defined as “Indian” at 25 USC 1603(13), 1603(28), or
2 1679(a), or who has been determined eligible as an Indian, under 42 CFR
3 136.12. This means the individual is a member of a federally recognized
4 Indian tribe or resides in an urban center and meets one or more of the
5 following criteria:

6
7 (i) Is a member of a tribe, band, or other organized group of Indians, including
8 those tribes, bands, or groups terminated since 1940 and those recognized now
9 or in the future by the state in which they reside, or who is a descendant, in the
10 first or second degree, of any such member;

11
12 (ii) Is an Eskimo or Aleut or other Alaska Native;

13
14 (iii) Is considered by the Secretary of the Interior to be an Indian for any
15 purpose; or

16
17 (iv) Is determined to be an Indian under regulations issued by the Secretary of
18 the Interior.

19
20 (b) Considered by the Secretary of the Interior to be an Indian for any purpose
21 or is considered by the Secretary of Health and Human Services to be an
22 Indian for purposes of eligibility for Indian health care services, including as a
23 California Indian, Eskimo, Aleut, or other Alaska Native.

24 (c) A member of the Indigenous People of Canada and Latin America with
25 origins in any of the original peoples of Canada, Mexico, Central America and
26 South America.

27
28 (2) "African" means an individual identifying with or descending from any
29 of the racial groups of Africa whose national origin is from a country on
30 the continent of Africa.

31
32 (3) "African American or Black" is a federal demographic category
33 meaning an individual identifying with or descending from any of the
34 black racial groups of Africa.

35
36 (4) "Asian" is a federal demographic category meaning an individual
37 identifying with or descending from any of the original peoples of East

1 Asia, Southeast Asia, or South Asia including Cambodia, China, India,
2 Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and
3 Vietnam.

4
5 (5) "Authority" means the Oregon Health Authority.

6
7 (4) "Contractor" means a person or governmental entity who has a legal
8 agreement with the Authority or Department to provide goods or services.

9
10 (5) "Declined to answer" is a demographic designation used when the
11 individual actively chooses not to provide information on their race or
12 ethnicity.

13
14 (6) "Demographic data" means collected information related to age, gender,
15 race, ethnicity, preferred spoken, signed and written language, and disability
16 status. Demographic data under these rules will be collected for the purpose
17 of better understanding populations who interact with the Authority and the
18 Department.

19
20 (7) "Department" means the Department of Human Services.

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

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

26
27 (12) "Hispanic or Latino" is a federal demographic category meaning an
28 individual of Cuban, Mexican, Puerto Rican, Dominican, South or Central
29 American, or other Spanish culture or origin, regardless of race.

30
31 (11) Middle Eastern and North African (MENA) includes people who report
32 Middle Eastern entries such as Bahrain, Cyprus, Iran, Iraq, Israel, Jordan, Kuwait,
33 Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, Turkey, United Arab
34 Emirates and Yemen, as well as North African entries such as Algeria, Libya,
35 Egypt, Morocco and Tunisia.

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

4
5 (13) "Other" means an individual identifies with a demographic designation not
6 listed.

7
8 (14) "Primary racial or ethnic identity" means the race or ethnicity with
9 which an individual most identifies when opting to choose from multiple
10 designations.

11
12 (15) "Race" means a demographic designation for a group of people who share
13 a common heredity.

14
15 (a) Race includes shared ancestry, national origin and sociocultural
16 characteristics.

17
18 (b) Race is not a biological, anthropological or genetic distinction.

19
20 (16) "Subcontractor" means a person or governmental entity who has a legal
21 agreement with a contractor as that is defined in this rule, to provide goods
22 or services.

23
24 (17) "Unknown" means a category used when a demographic designation is
25 missing for some reason other than the individual declining to answer and
26 includes, but is not limited to situations where:

27
28 (i) The individual or caregiver is unable to provide an answer; or

29
30 (ii) There is no available family member or caregiver to respond for the
31 individual.

32
33 (18) "White" is a federal demographic category meaning an individual having
34 origins in any of the original peoples of Europe, **excluding the Middle East**
35 **or North Africa**. It includes people who indicate their race as "White" or
36 report entries such as Irish, German, Italian, ~~Lebanese, Arab, Moroccan~~, or

1 Caucasian.

2
3 Stat. Auth.: ORS 413.042 & 413.161

4 Stats. Implemented: ORS 413.161

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

6
7
8 **943-70-15 Accessibility**

9
10 (1) Data collection tools used to gather the information required by these rules
11 shall comply with the Americans with Disabilities Act (ADA) and Oregon
12 statute, rule and if applicable, Authority and Department policies related to the
13 ADA, language access requirements, and the advancement of health equity.

14
15 (2) Data collection methods, such as anonymous surveys, surveys with youth, or
16 phone surveys, shall account for the need to gather data from individuals with
17 disabilities, non-English speakers and individuals with other access barriers and
18 shall not be used to exclude subgroups of people based on the need to gather
19 information from those subgroups differently.

20
21 **943-070-0020**

22
23 **Demographic Data Collection Standards**

24 (I) To the greatest extent practicable, all programs and activities of the
25 Authority and Department, including activities to promote workforce
26 diversity within the Authority and Department, Agency and Department
27 licensees, and boards and commissions staffed by the Authority and the
28 Department, that collect, record or report any demographic data through any
29 means shall collect race, ethnicity, preferred spoken, signed and written
30 language, and disability status data in accordance with these rules and
31 implementing policy.

32
33 (2) To the greatest extent practicable, the Authority and the Department shall
34 require contractors and subcontractors, who collect, record or report any
35 demographic data on behalf of the Authority and Department to collect race,
36 ethnicity, preferred spoken, signed and written language, and disability
37 status data in accordance with these rules and Authority and Department

1 policy

2
3 (3) When collecting data in accordance with these rules, the following
4 apply:

5 (a) To the greatest extent practicable, the Authority, the Department, and
6 contractors and subcontractors should ask individuals should be asked to
7 self-report race, ethnicity, preferred signed, written and spoken language
8 and disability status information and information should not be assumed or
9 prejudged.

10
11 (b) If an individual is unable to self-report and a family member, advocate, or
12 authorized representative is unable to report on his or her behalf, the
13 information shall be recorded by staff as unknown.

14
15 (c) When a demographic category is listed as unknown, demographic data
16 shall be requested at a subsequent encounter.

17
18 (4) When an individual declines to identify race or ethnicity or
19 preferred signed, written, or spoken language, or disability status the
20 information shall be reported by staff as declined to answer.

21
22 (5) When the race, ethnicity, signed, written or spoken language or
23 disability status of an individual is required by federal law and an individual
24 is unable or unwilling to self-report, this information shall be recorded in
25 the data collection instrument and additionally identified as "staff
26 determined," and combined with the "unknown" category for state level
27 analysis.

28
29 (6) Requests for demographic information shall be distinct from
30 questions related to program eligibility criteria and an individual's decision
31 not to answer questions related to demographic data shall not affect
32 eligibility or inclusion in any related program or benefit-

33
34 (7) Nothing in these rules shall be construed to prohibit the collection
35 of information for purposes of establishing eligibility for a specific

1 program or service.

2
3 (8) The date for when the data was collected shall be captured and included
4 in the dataset holding the REALD data.

5
6 (9) Every time data is collected from individuals, REALD questions must be asked
7 unless previously asked within the 12 months.

8
9 Stat. Auth.: ORS 413.042 & 413.161


10 Stats. Implemented: ORS 413.161

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

12
13 **943-070-0030**

14
15 **Race and Ethnicity Demographic Data Collection Standard**

16
17 (1) To the greatest extent practicable, an individual shall be asked open-
18 ended questions designed to elicit an unprompted response related to
19 ancestry, race, ethnicity, country of origin or tribal affiliation.

20
21 (2) At minimum, the demographic data categories in this section shall be
22 listed with the identifying label of "Racial or ethnic identity" on data
23 collection and intake forms. These categories are designed to aggregate to
24 existing federal reporting categories as those categories are defined in these
25 rules. 

- 26
27 (a) American Indian
28 (b) Alaska Native
29 (c) Canadian Inuit, Metis or First Nation
30 (d) Indigenous Mexican, Central American or South American
31
32 (e) Hispanic or Latino Mexican
33 (f) Hispanic or Latino Central American
34 (g) Hispanic or Latino South American
35 (h) Other Hispanic or Latino
36

- 1 Asian Indian
- 2 **Cambodian**
- 3 Chinese
- 4 **Communities of Myanmar**
- 5 Filipino/a
- 6 Japanese
- 7 Korean
- 8 Laotian
- 9 Hmong
- 10 South Asian
- 11 Vietnamese
- 12 Other Asian
- 13
- 14 (m) Native Hawaiian
- 15 ~~(n) Guamanian or Chamorro~~
- 16 **Marshallese**
- 17 **Micronesian**
- 18 Samoan
- 19 (o) Other Pacific Islander
- 20
- 21 (p) African American
- 22 **Ethiopian**
- 23 **Somali**
- 24 **Afro-Caribbean**
- 25 **Other African (Black)**
- 26 (q) Other Black
- 27
- 28 (dd) Middle Eastern
- 29 (ee) ~~North~~ African
- 30
- 31 (aa) Western
- 32 European
- 33 (cc) Slavic
- 34 **(bb) Eastern European**
- 35 (fl) Other White
- 36
- 37 (gg) Other



1 (hh) Unknown

2 (ii) Decline to Answer

3
4 (3) Individuals should be instructed, either in writing or verbally, that more
5 than one racial or ethnic category may be chosen.

6
7 (a) All individuals who select multiple categories shall be asked an additional
8 question regarding their primary racial or ethnic affiliation using the categories
9 listed in section (2).

10
11 (b) Individuals may decline to select a primary racial or ethnic identity.

12
13 (c) Individuals shall be given the opportunity to indicate they do not have just one
14 primary racial or ethnic identity.

15
16 (4) individuals should be asked:

17 (a) If they are a member of a federally recognized tribe And if yes, which
18 tribe(s):

19
20 (b) If they are eligible, as an American Indian or Alaska Native, to receive services
21 from the Indian Health Service, a Tribal Health Clinic, or an Urban Indian Health
22 Program.

23
24 Stat. Auth.: ORS 413.042 & 413.161

25 Stats. Implemented: ORS 413.161

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

27
28
29 **943-070-0040**

30
31 **Language and Communication Needs Demographic Data Collection**
32 **Standards**

33 (1) Refer to exemption if data collection is just one-time and no further ongoing
34 communication needs with the individual is anticipated

35
36 (2) Specify that generally these questions do not apply to children under age 5
37 unless there is a need to communicate directly with the child.

~~(1) At a minimum, Individuals over the age of 5 shall be asked open-ended questions designed to elicit an unprompted response related to preferred spoken, signed and written language.~~

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

a. In what language do you want us to speak ~~or sign~~ with you?

b. In what language do you want us to write to you?

(4) If the response to either question is section (1) of this rule indicate English for both responses, the remaining language questions in this section do not need to be asked of the individual. \

(5) Do you need or want an interpreter for us to communicate with you?

~~(c) you need a sign language interpreter?~~

a. For each "yes" response to the interpreter question, the individual shall be asked what type of interpretation is needed

(6) How well do you speak English? (age 5 and above) There are four answer categories: Very well, well, not well, and not at all.

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

(8) If the person does not answer the preferred language questions in this section, the response option in online systems shall indicate "did not answer"; the use of English as the default answer is not acceptable.

(9) Data collection tools using online platforms shall avoid the use of 'other' categories unless the tool also allows the person to specify further in an open-text field.

Stat. Auth.: ORS 413.042 & 413.161

Stats. Implemented: ORS 413.161

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

943-70-45 Language and Communication Demographic Data Collection Standards for xx

1
2 (1) In addition to Section 0040 (4) (5)(7) the following questions shall be asked

3
4 (a) Do you speak a language other than English at home? An individual must
5 be given the following options as answers:

- 6 A. Yes (I speak English at home).
7 B. No.
8 C. Unknown or do not know.
9 D. Decline or do not want to say.

10
11 (b) If other than English, what language to you speak at home?

12
13 (c) What language would you prefer to use when speaking with someone
14 outside the home about important matters such as medical, legal, or health
15 information?

16
17 (d) What language would you prefer to use to read important written
18 information such as medical, legal, or health information?

19
20 **943-070-0050**

21
22 **Disability Demographic Data Collection Standards**

23
24 (I) ~~To the greatest extent practicable, Authority, Department and contractor~~
25 ~~or subcontractor~~ staff gathering demographic data from an individual shall
26 ask "Are you limited in any way in any activities because of physical, mental,
27 or emotional problems?" Individuals may answer yes, no, don't know, or
28 decline to answer.

29
30 (2) The following set of questions shall be asked to identify sub-groups of
31 individuals with disabling conditions.

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

33
34 (b) Are you blind or do you have serious difficulty seeing, even when wearing
35 glasses?

36
37 (c) Because of a physical, mental, or emotional condition, do you have

1 serious difficulty concentrating, remembering, ~~understanding~~ or
2 making decisions? (ages 5 years and older)

3
4 (d) Do you have serious difficulty walking or climbing stairs? (ages 5 years
5 and older)

6
7 (e) Do you have difficulty dressing or bathing? (ages 5 years and older)

8
9 (f) Because of a physical, mental, or emotional condition, do you have
10 difficulty doing errands alone such as visiting a doctor's office or shopping?
11 (ages 15 and older)

12
13 (g) Using your usual (customary) language, do you have serious difficulty
14 communicating, (for example understanding or being understood by others)?

15
16 (h) Do you have serious difficulty learning how to do things most people your age
17 can learn?

18
19 (i) Do you have serious difficulty with your mood, feelings, or controlling your
20 behavior?

21
22 (3) For each "yes" response, the individual shall be asked at what age the
23 condition began.

24
25 (4) Youth under age x or in grade levels below 5th grade self-reporting for
26 themselves are exempted from having to answer questions specified in 2a
27 through 2i . Parents and guardians reporting for these youth however are not
28 exempted.

29
30 (5) The current age and or date of birth shall be collected from those answering
31 yes to questions specified in 2a through 2b.

32
33 **943-070-0060**

34 **Reporting Progress on Implementation**

35
36
37 (1) All programs of the Authority and Department that collect demographic

1 data shall report to the Office of Equity and Inclusion or Office of Equity and
2 Multicultural Services, as appropriate, in February of each even numbered
3 year. Reports shall include information about each program's:

4
5 (a) Progress in implementing these standards.

6
7 (b) Challenges to full implementation of these standards.

8
9 (c) Plan for addressing challenges, including identifying responsible staff and
10 timeline,

11
12 (2) The Office of Equity and Inclusion and Office of Equity and
13 Multicultural Services shall use data provided by the programs to create a
14 report for the legislature as required by ORS 413.162.


15
16 Stat. Auth.: ORS 413.042 & 413.161

17 Stats. Implemented: ORS 413.161

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

19
20 **943-070-0070**

21 22 **Advisory Committee**

23
24 (1) The Authority and Department may create and implement shared or
25 parallel definitions, policies, processes and practices that expand on the
26 minimum criteria of these rules. 

27
28 (2) The Authority, in collaboration with the Department, shall appoint a
29 permanent standing advisory committee composed of individuals or advocates
30 of individuals likely to be affected by the inequities addressed in the collection
31 of race, ethnicity, preferred spoken, signed and written language, and
32 disability status data.

33
34 (3) The committee required by this section shall advise the Authority and
35 Department about the creation of definitions, policies, procedures and
36 practices to implement these rules, including recommendations related to:

- 1
- 2 (a) Protocols for collecting data in consistent, meaningful, culturally-
- 3 competent ways.
- 4
- 5 (b) Protocols for protecting client privacy in compliance with state and federal
- 6 law.
- 7
- 8 (c) The addition of demographic data subcategories for collection of more
- 9 accurate and comprehensive data.
- 10
- 11 (d) Training.
- 12
- 13 (4) The Authority, in collaboration with the Department and the advisory
- 14 committee shall review the standards at least once every two years from
- 15 June 1, 2014, to ensure the standards are up to date, efficient, uniform and
- 16 consistent with best, promising and emerging practices.
- 17

18 Stat. Auth.: ORS 413.042 & 413.161

19 Stats. Implemented: ORS 413.161

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

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22

23

24

25 **943-070-0080 Publishing REALD Data**

26

27 Publishing REALD data by the Authority and the Department

28 (1) This rule applies only to the Authority and the Department when reporting

29 summary data with demographic information that is made available to the

30 public.

31

32 (2) At a minimum, the Authority and the Department shall use:

33 (a) Primary racial and ethnic identity when reporting race or ethnicity

34 information in such a way that it adds to 100 percent.

35 (b) A composite disability variable created such that it adds up to 100 percent.

36

37 (3) The Authority and Department when reporting demographic data alone or

1 in combination with other data elements shall do so using the detailed
2 REALD data categories while still protecting the privacy of individuals
3 represented in the data.
4

5 (4) If there is a need to suppress detailed REALD demographic data before
6 publication in order to protect confidentiality, the Authority and the
7 Department shall follow the guidelines for suppressing or aggregating data
8 categories specified in Authority and Department provided tools. Data
9 should be aggregated to the lowest level possible before it becomes
10 necessary to suppress data due to small cell sizes.
11

12 (5) When reporting according to the federal Office of Management and Budget
13 (OMB) standards is required, the Authority and the Department should roll up
14 REALD data categories into OMB categories.

15 (a) Individuals identifying one or more of the MENA categories only, shall be
16 rolled up to the “White” category in the OMB standards.

17 (b) Individuals identifying as one or more of the MENA categories who did
18 not indicate one or more of the Black categories shall be rolled up to the
19 “White” category in the OMB standards.

20 (c) Individuals identifying one or more of the MENA categories and one or
21 more of the Black categories shall be rolled up to the “Black” category in
22 the OMB standards MENA roll-up to OMB.
23