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EQUITY AND INCLUSION DIVISION

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FILING CAPTION: Adds SOGI, Updates REALD Demographic Data Collection and Reporting (ORS 413.161)

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RULES:

950-030-0000, 950-030-0010, 950-030-0020, 950-030-0030, 950-030-0040, 950-030-0050, 950-030-0060, 950-030-0200

AMEND: 950-030-0000

RULE TITLE: Purpose

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: References to the Department of Human Services were removed. Removed reference to local, state, and national best practices. Added LGBTQIA2S+ communities to rule.

RULE TEXT:

These rules establish uniform standards and practices for the collection of data on race, ethnicity, preferred spoken or signed and preferred written language, disability, sexual orientation and gender identity by the Oregon Health Authority (OHA) and others required by law or contract. Standardized data collection methodology will improve the ability of OHA, community partners, elected officials, and other decision makers to recognize, address, target and eliminate inequities experienced by distinct tribal, racial, cultural, and linguistic communities; people with disabilities; and LGBTQIA2S+ communities. These standards allow OHA to meet federal reporting expectations; compare Oregon's progress with national trends; improve quality service delivery; and ensure equitable allocation of resources.

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Added new definitions to align with updates in the other REALD and SOGI 950-030 rules. Eliminated "by contract, or otherwise required by law to collect REALD information in accordance with these rules, and includes but is not limited to the Authority, the Department, contractors and subcontractors of the Authority or the Department, and health care providers as that term is defined in Oregon Laws 2020, 1st Special Session, Chapter 12, Sections 40-41." from "Requestor" definition.

RULE TEXT:

The following definitions apply to OAR 950, divisions 30 and 38:

- (1) "Caregiver" means a person, paid or unpaid, related or unrelated, who acts on behalf of or cares for the individual.
- (2) "Contractor" means a person or governmental entity who has a legal agreement with the Oregon Health Authority to provide goods or services.
- (3) "Demographic data" means collected information in accordance with these rules related to age, sex, gender, sexual orientation, race, ethnicity, preferred spoken, signed and written language, interpreter needs, English proficiency and disability.
- (4) "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.
- (5) "Gender identity":
 - (a) Means a demographic designation that describes a person's inner sense of being such as a girl, woman, female, boy, man, male, or something else, or having no gender.
 - (b) Does not mean a biological, anthropological or genetic distinction.
- (6) "Gender modality" means how an individual's gender identity stands in relation to their gender assigned at birth. For example, a person whose gender modality is transgender is someone whose gender identity is different from what was assigned at birth.
- (7) "Individual" means the person who is the subject of the demographic data that is being collected.
- (8) "LGBTQIA2S+" means lesbian, gay, bisexual, transgender or gender expansive, queer or questioning/exploring, intersex, asexual, two-spirit, and other terms that may be used to describe a sexual or gender minority identity.
- (9) "Primary racial or ethnic identity" means the race or ethnicity with which an individual most identifies when opting to choose from multiple designations.
- (10) "Race":
 - (a) Means a demographic designation for a group of people who share a common heredity, and Includes shared ancestry, national origin and sociocultural characteristics.
 - (b) Does not mean a biological, anthropological or genetic distinction.
- (11) "REALD" means race, ethnicity, language and disability.
- (12) "Requestor" means an individual or entity that is collecting REALD and SOGI information in accordance with these rules.
- (13) "Sexual orientation" means a demographic designation that describes how an individual characterizes their emotional and sexual attraction to others.
- (14) "SOGI" means sexual orientation, gender identity and gender modality.
- (15) "Subcontractor" means a person or governmental entity who has a legal agreement with a contractor as that is defined in this rule, to provide goods or services.

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0020

RULE TITLE: Demographic Data Collection Standards

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Removed reference to Oregon Department of Human Resources. Added requirement to collect date of birth, two questions about who are answering the questions. Clarified requirements response options to include "Don't want to Answer" and "Don't Know".

RULE TEXT:

(1) To the greatest extent practicable, all programs and activities of the Oregon Health Authority (OHA), including activities to promote workforce diversity, and any data collection or reporting OHA does on behalf of other state agencies, through any means, must collect REALD and SOGI information in accordance with these rules and OHA policy.

(2) To the greatest extent practicable, OHA must require contractors and subcontractors, who collect, record or report any demographic data on behalf of OHA to collect REALD and SOGI information in accordance with these rules and OHA policy.

(3) A requestor, when collecting REALD and SOGI information in accordance with these rules, must comply with the following standards:

(a) Individuals must be asked to self-report answers to the questions and information must not be assumed or prejudged.

(b) If an individual is unable to self-report, a family member, advocate, or authorized representative may answer the questions.

(c) A requester may not fill in demographic information for an individual if an answer is missing or has otherwise not been provided by the individual or the individual's caregiver, except as permitted in section (7) of this rule.

(d) Questions must be asked in the exact way they are worded in these rules, except that pronouns can be changed or substituted with proper nouns. For example, the question "How do you identify your race, ethnicity, tribal affiliation, country of origin, or ancestry?" could be changed to "How does your child identify their race, ethnicity, tribal affiliation, country of origin, or ancestry?". The question about hearing loss, "Are you deaf or have serious difficulty hearing?" can be changed to "Is your child deaf or do they have serious difficulty hearing?".

(4) A requestor or individual must identify who is answering the REALD and SOGI questions. Response options:

(a) Self.

(b) Parent, guardian or other family member.

(c) Interpreter or other support person.

(d) Not listed, specify: (with open text box).

(5) If a requestor is directly asking an individual who is answering the REALD and SOGI questions as required in section (4) of this rule, the requestor must explain that more than one response may be chosen.

(6) For all REALD and SOGI questions, except for open-ended text questions, a requestor must offer the following response options in addition to any other responses required in these rules:

(a) "Don't want to answer". This response should be used by an individual or the individual's caregiver when the individual or caregiver is choosing not to answer the question.

(b) "Don't know". This response should be used by an individual or an individual's caregiver when the individual or caregiver does not know the answer to the question.

(c) For the response options for the disability questions specified in OAR 950-030-0050(2)(e) and (3)(b) and the SOGI questions specified in OAR 950-030-0060(3), (6) and (9), "Don't know what this question is asking". This response should be used by an individual or an individual's caregiver when the individual or caregiver does not understand what the question is asking.

(7) When the race, ethnicity, signed, written or spoken language, disability, sex, sexual orientation or gender identity of an individual is required by federal law and an individual is unable or unwilling to self-report, this information must be recorded by the requestor as "staff determined" information.

(8) When reporting REALD and SOGI responses, a requestor must:

(a) Mark a response as "not applicable" or leave blank if a question was allowed to be skipped under the rules.

(b) Mark a response as "did not answer" or "missing" or leave blank if the question was applicable but was not answered with any response.

(9) Requests for demographic information must be distinct from questions related to program eligibility criteria and an individual's decision not to answer questions related to demographic data must not affect eligibility or inclusion in any related program or benefit.

(10) Nothing in these rules prohibits the collection of information for purposes of establishing eligibility for a specific program or service.

(11) The date for when the REALD and SOGI data was collected must be captured and included in the dataset holding the data.

(12) A requestor must collect the individual's date of birth and use the MM/DD/YYYY date format.

(13) Every time data is collected an individual must be asked REALD and SOGI questions unless they have been asked by the requestor within the previous 12 months. If the response to any REALD and SOGI question is marked as "missing" or "did not answer", the requestor must attempt to collect the missing information even if the REALD and SOGI questions were asked by the requestor within the last 12 months. If a response is marked as "don't want to answer" or "not applicable", a requestor does not need to attempt to collect missing information more than once every 12 months.

(14) Requestors using online platforms to collect REALD and SOGI information described in this rule may not use "other" as a response option unless otherwise permitted by these rules.

(15) Methods used to collect information in accordance with these rules:

(a) Must comply with:

(A) The Americans with Disabilities Act (ADA).

(B) Title VI of the Civil Rights Act of 1964 to the extent that an individual may have a right to the translation of materials or interpreter services in order to be able to answer the questions.

(C) OHA policies related to the ADA, language access requirements, or the advancement of health equity.

(b) Must account for the need to gather data from individuals with disabilities, individuals who prefer a language other than English, and individuals with other access barriers.

(c) Must not exclude individuals from data collection efforts even if the method for collection has to be changed to accommodate the needs of particular individuals.

(16) If providing written materials, the requestor must ask if there is a need for written materials in an alternate format, including but not limited to another language, braille, large print, or audio.

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0030

RULE TITLE: Race and Ethnicity Demographic Data Collection Standard

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Increased number of race and ethnicity subgroups from 39 to 72 based on input from the RAC as well as recent changes in the OMB race and ethnicity data standards. Of these, there are eight new text responses (for each aggregated race/ethnicity group to align with OMB revisions March 2024). Clarified response options for paper forms vs response options for electronic formats.

RULE TEXT:

(1) A requestor must ask an open-ended question: "How do you identify your race, ethnicity, tribal affiliation, country of origin, or ancestry?"

(2) A requestor must ask an "Which of the following describes your racial or ethnic identity? Select all that apply and enter additional details in the spaces below."

(3) At minimum, the disaggregated demographic data categories in this section must be grouped under the applicable aggregated categories as follows:

(a) American Indian and Alaska Native – Provide details below:

(A) Alaska Native.

(B) American Indian.

(C) Canadian Inuit, Metis or First Nation.

(D) Indigenous Mexican, Central American or South American.

(E) Enter details, for example, Inuit or Haida, Confederated Tribes of Siletz Indians, Navajo, Aztec, Maya, etc. (with open text box).

(b) Asian – Provide details below:

(A) Afghan.

(B) Asian Indian.

(C) Cambodian/Khmer.

(D) Chinese.

(E) Communities of Myanmar.

(F) Filipino/a.

(G) Hmong.

(H) Indonesian.

(I) Japanese.

(J) Korean.

(K) Laotian.

(L) Pakistani.

(M) South Asian.

(N) Taiwanese.

(O) Thai.

(P) Vietnamese.

(Q) Enter details, for example, Mongolian, Malaysian, Uzbeks, etc. (with open text box).

(c) Black and African American – Provide details below:

(A) African American.

(B) Afro-Caribbean.

(C) Ethiopian.

(D) Haitian.

(E) Jamaican.

(F) Nigerian.

- (G) Somali.
- (H) Enter details, for example, Trinidadian, Ghanaian, Congolese, etc. (with open text box).
- (d) Hispanic and Latino/a/x/e – Provide details below:
 - (A) Afro-Latino/a/x/e.
 - (B) Central American.
 - (C) Cuban.
 - (D) Dominican.
 - (E) Guatemalan.
 - (F) Mexican.
 - (G) Puerto Rican.
 - (H) Salvadoran.
 - (I) South American.
- (J) Enter details, for example, Colombian, Honduran, Spaniard, etc. (with open text box)
- (e) Jewish – Provide details below:
 - (A) Ashkenazi.
 - (B) Sephardi.
 - (C) Enter details, for example, Mizrahi, etc. (with open text box).
- (f) Middle Eastern/North African/SWANA – Provide details below:
 - (A) Egyptian.
 - (B) Iraqi.
 - (C) Iranian.
 - (D) Israeli.
 - (E) Lebanese.
 - (F) Palestinian.
 - (G) Syrian.
 - (H) Turkish.
 - (I) Enter details, for example, Moroccan, Yemeni, Kurdish, etc. (with open text box).
- (g) Native Hawaiian and Pacific Islander – Provide details below:
 - (A) CHamoru (Chamorro).
 - (B) Communities of the Micronesian Region.
 - (C) Fijian.
 - (D) Marshallese.
 - (E) Native Hawaiian.
 - (F) Samoan.
 - (G) Tongan.
 - (H) Enter details, for example, Chuukese, Palauan, Tahitian, etc. (with open text box).
- (h) White – Provide details below:
 - (A) English.
 - (B) German.
 - (C) Irish.
 - (D) Italian.
 - (E) Polish.
 - (F) Romanian.
 - (G) Russian.
 - (H) Scottish.
 - (I) Slavic.
 - (J) Ukrainian.

(K) Enter details, for example, French, Swedish, Norwegian, etc. (with open text box).

(i) Additional categories: Another category not listed. Specify: (with open text box).

(4) A requestor must:

(a) Instruct individuals, either in writing or verbally, that more than one racial or ethnic category may be chosen.

(b) Ask an additional question "If you checked more than one category, is there one you think of as your primary racial or ethnic identity?"

(A) Response options for paper forms are:

(i) Yes. Circle your primary racial or ethnic identity above.

(ii) I don't have just one primary racial or ethnic identity.

(iii) No. I identify as Biracial or Multiracial.

(iv) Not applicable. I only checked one category above.

(B) Response options for electronic formats are:

(i) A list of racial or ethnic identity categories selected by the individual in section (2) of this rule.

(ii) I don't have just one primary racial or ethnic identity.

(iii) No. I identify as Biracial or Multiracial.

(C) If a requestor collects data in an electronic format and uses technology that limits their ability to present a list of racial and ethnic identity categories selected by the individual as stated in (3) of this rule, a requestor must contact the Oregon Health Authority REALD and SOGI Governance Committee to receive guidance on acceptable alternative(s).

(5) If a requestor uses technology that limits their ability to store data from any of the open text boxes listed in section

(3) of this rule, a requestor must contact the Oregon Health Authority REALD and SOGI Governance Committee to receive guidance on acceptable alternative(s).

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0040

RULE TITLE: Language and Communication Needs Demographic Data Collection Standards

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Added a triage question (Do you only use English at home?) to facilitate skip logic for the remaining language questions. Expanded response options for type of interpreter. Added requirement to use the OHA ISO language code list for electronic systems using ISO codes for languages.

RULE TEXT:

(1) A requestor is only required to ask a child under the age of five or an adult answering on behalf of a child under the age of five to answer the questions in section (2) of this rule when the requestor needs to communicate directly with the child.

(2) If a requestor or other person has a need for ongoing communication with the individual or the individual's caregiver, the following questions about language and communication needs must be asked:

(a) "Do you only use English at home?" Response options:

(A) Yes.

(B) No.

(b) "Do you need or want any of the following for us to communicate with you?" Response options:

(A) Yes – Assistive Listening Device such as an FM or Loop. Specify: (with open text box).

(B) Yes – CART/Captioning.

(C) No.

(c) If the response to the question in subsection (2)(a) of this rule is no, a requestor must ask the following questions:

(A) "What language(s) do you use at home?"

(B) "In what language do you want us to communicate with you?"

(C) "In what language do you want us to write to you?"

(D) "Do you need or want an interpreter?" Response options:

(i) Yes.

(ii) No.

(E) If the response to the question in subsection (2)(c)(D) above is yes, a requestor must ask, "If yes, select all that apply."

Response options:

(i) Spoken language interpreter.

(ii) Sign Language:

(I) American Sign Language.

(II) Mexican Sign Language.

(III) Tactile/Pro-Tactile Sign Language.

(IV) Certified Deaf Interpreter for DeafBlind, additional barriers, or both.

(V) Contact sign language (PSE).

(VI) Another sign language not listed. Specify: (with open text box).

(F) "How well do you speak English?" Response options:

(i) Very well.

(ii) Well.

(iii) Not well.

(iv) Not at all

(3) If a requestor is collecting information in accordance with this rule but there is no intent or need for ongoing communication between the requestor or others who may need to communicate with the individual or the individual's caregiver, then the following questions about language and communication needs must be asked: "Do you only use English at home?"

(a) Response options:

(A) Yes.

(B) No.

(b) "Do you typically need or want any of the following to help with communications on important matters such as medical, legal, or health information?" Response options:

(A) Yes – Assistive Listening Device such as an FM or Loop. Specify: (with open text box).

(B) Yes – CART/Captioning.

(C) No.

(c) If the response to the question in subsection (3)(a) of this rule is no, the requestor must ask the following questions:

(A) "What language(s) do you use at home?"

(B) "What language would you prefer to use when communicating with someone outside the home about important matters such as medical, legal, or health information?"

(C) "What language would you prefer to use to read important written information such as medical, legal, or health information?"

(D) "How well do you speak English?" Response options:

(i) Very well.

(ii) Well.

(iii) Not well.

(iv) Not at all.

(4) If in response to the questions in subsections (2)(c)(A) or (3)(b)(A) of this rule an individual's answer includes a language other than English but the language is sign language, the requestor does not need to ask the questions in subsections (2)(c)(F) or (3)(c)(D) of this rule.

(5) Requestors who are collecting language data electronically using the ISO 639-3 standard and who are able to use auto-completion or smart filtering capabilities must use the full ISO code list provided by OHA, which includes relevant local codes.

(6) Requestors who are collecting language data electronically using the ISO 639-3 standard and who are not able to use auto-completion or smart filtering capabilities must use the abridged ISO code list provided by OHA.

(7) If a requestor uses technology that limits their ability to implement section (6) of this rule, a requestor must contact the Oregon Health Authority REALD and SOGI Governance Committee to receive guidance on acceptable alternative(s).

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0050

RULE TITLE: Disability Demographic Data Collection Standards

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Added open-ended question for individuals to share what they would like us to know about their disability(ies) to be consistent with all other open-ended questions ask for race/ethnicity and SOGI. Added a question about needs for disability-related accommodations to be consistent about need for interpreters/language access.

RULE TEXT:

- (1) A requestor must ask the following questions regarding functional limitations of individuals of any age, except as specified in section (9) of this rule:
 - (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?"
- (2) A requestor must ask the following questions for individuals five years of age or older:
 - (a) "Do you have serious difficulty walking or climbing stairs?"
 - (b) "Because of a physical, mental, or emotional condition, do you have serious difficulty concentrating, remembering, or making decisions?"
 - (c) "Do you have difficulty dressing or bathing?"
 - (d) "Do you have serious difficulty learning how to do things most people your age can learn?"
 - (e) "Using your usual (customary) language, do you have serious difficulty communicating, (for example understanding or being understood by others)?"
- (3) A requestor must ask the following questions regarding functional limitations for individuals 15 years of age or older:
 - (a) "Because of a physical, mental, or emotional condition, do you have difficulty doing errands alone such as visiting a doctor's office or shopping?"
 - (b) "Do you have serious difficulty with the following: mood, intense feelings, controlling your behavior, or experiencing delusions or hallucinations?"
- (4) A requestor must ask the individual at what age the condition began for any "yes" response to any question in sections (1) through (3) of this rule.
- (5) An individual must be asked an open-ended question: "If you identify as someone with a disability, or as having a physical, mental, emotional, cognitive, or intellectual condition, describe your disability or condition in any way you prefer: (with open text box).
- (6) If a requestor or other person has a need for ongoing communication with the individual, and if the individual indicates they have a functional limitation or disability in any of the questions in this section, including the open-ended question specified in section (5) of this rule, a requestor must ask, "If you identify as someone with a disability, or as having a physical, mental, emotional, cognitive, or intellectual condition, do you need or want disability-related accommodations?" Response options:
 - (a) Yes.
 - (b) No.
- (7) If the response to the question in section (6) of this rule is yes, a requestor must ask, "If yes, select all that apply and enter additional details below." Response options:
 - (a) Alternate formats: (with open text box).
 - (b) Building access: (with open text box).
 - (c) Communication access (in-person, print materials, electronic): (with open text box).
 - (d) Coordinating and scheduling care or services: (with open text box).
 - (e) Environmental and sensory: (with open text box).
 - (f) Equipment access: (with open text box).
 - (g) Other staff support: (with open text box).
 - (h) Not listed. Specify: (with open text box).

(8) If a requestor is collecting information in accordance with this rule but there is no intent or need for ongoing communication between the requestor or others who may need to communicate with the individual or the individual's caregiver, then the following questions about functional difficulties must be asked:

(a) "If you identify as someone with a disability, or as having a physical, mental, emotional, cognitive, or intellectual condition, do you typically need or want disability-related accommodations to help with communications on important matters such as medical, legal, or health information?" Response options:

(A) Yes.

(B) No.

(b) If the response to the question in subsection (8)(a) of this rule is yes, a requestor must ask the following open-ended question, "If yes, describe what accommodations you typically need or want:".

(9) If a requestor is directly asking a child the questions in this rule and not a parent or guardian, the requestor is not required to ask a child under the age of 11 or in a grade level below 5th grade to answer the questions in section (1) and (2) of this rule.

(10) If a requestor uses technology that limits their ability to store data from the open text boxes listed in (7) and (8) of this rule and or would prefer to use standardized lists provided by Oregon Health Authority, a requestor must contact the Oregon Health Authority REALD and SOGI Governance Committee to receive guidance on acceptable alternative(s).

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

ADOPT: 950-030-0060

RULE TITLE: Sexual Orientation and Gender Identity (SOGI) Demographic Data Collection Standards

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Added new section to specify rules that six questions relating to data collection of sex, gender identity, gender modality, and sexual orientation. These include two open-ended questions (gender identity; sexual orientation).

RULE TEXT:

(1) A requestor must ask the questions in this rule using the following age-based guidelines:

(a) For individuals under age 5, a requestor must ask the question in section (4) of this rule.

(b) For individuals ages 5 to 11, a requestor must ask the questions in section (4) and (9) of this rule.

(c) For individuals ages 12 and 13, a requestor must ask either the questions in sections (2) through (6) or the questions in sections (4) and (9) of this rule, and should use professional judgment to determine which of these two sets of questions to ask.

(d) For individuals ages 14 and older, a requestor must ask the questions in sections (2) through (6) of this rule.

(2) A requestor must ask an open-ended question regarding gender identity: "Describe your gender in any way you prefer:"

(3) A requestor must ask the following questions regarding gender identity and gender modality:

(a) "What is your gender?" Response options:

(A) Girl or woman.

(B) Boy or man.

(C) Nonbinary.

(D) Agender/No gender.

(E) Bigender.

(F) Demiboy.

(G) Demigirl.

(H) Genderfluid.

(I) Genderqueer.

(J) Questioning/Exploring.

(K) Not listed, my gender is: (with open text box).

(L) I have a gender identity not listed here that is specific to my ethnicity: (with open text box).

(b) "Are you transgender?" Response options:

(A) Yes.

(B) No.

(C) Questioning/Exploring.

(4) A requestor must ask the following questions regarding sex: "What is your sex?" Response options:

(a) Female.

(b) Male.

(c) Intersex.

(d) Not listed, my sex is: (with open text box).

(5) A requestor must ask an open-ended question regarding sexual orientation: "Describe your sexual orientation or sexual identity in any way you prefer:" (with open text box)

(6) A requestor must ask the following question regarding sexual orientation: "What is your sexual orientation?"

(a) Same-gender loving.

(b) Lesbian.

(c) Gay.

(d) Bisexual.

- (e) Pansexual.
 - (f) Straight or heterosexual.
 - (g) Asexual Spectrum.
 - (h) Queer.
 - (i) Questioning/Exploring.
 - (j) Not listed, my sexual orientation is: (with open text box).
- (7) For individuals who selected the race and ethnicity category of "American Indian" or "Alaska Native" specified in OAR 950-030-0030(2)(a) or (2)(b), the requestor must display the additional response option of "Two Spirit" for the questions in sections (3)(a) and (6) of this rule.
- (8) For questions specified in sections (3)(a), (6) and (9) of this rule, a requestor must instruct individuals, either in writing or verbally, that more than one response may be chosen.
- (9) A requestor must ask the following question: "Are you currently:" Response options:
- (a) A boy.
 - (b) A girl.
 - (c) Both a boy and a girl.
 - (d) Neither a boy nor a girl.
 - (e) Something else. Specify: (with open text box).
 - (f) It changes over time.

STATUTORY/OTHER AUTHORITY: ORS 413.161, ORS 413.042

STATUTES/OTHER IMPLEMENTED: ORS 413.161

AMEND: 950-030-0200

RULE TITLE: Reporting Progress on Implementation

NOTICE FILED DATE: 04/30/2024

RULE SUMMARY: Removed reference to Oregon Department of Human Services. Changed Office of Equity and Inclusion to the Equity and Inclusion Division.

RULE TEXT:

(1) All programs of the Oregon Health Authority (OHA) that collect demographic data must report to the OHA Equity and Inclusion Division 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 OHA Equity and Inclusion Division shall use data provided by the programs to create a report for the legislature as required by ORS 413.162.

STATUTORY/OTHER AUTHORITY: ORS 413.042, ORS 413.161

STATUTES/OTHER IMPLEMENTED: ORS 413.161