

Oregon Health Authority

Office of Equity and Inclusion - Chapter 950

Division 30

RACE, ETHNICITY, LANGUAGE, AND DISABILITY (REALD) AND SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI) DEMOGRAPHIC DATA COLLECTION STANDARDS

950-030-0000

Purpose

These rules establish uniform standards and practices for the collection of data on race, ethnicity, preferred spoken or signed and preferred written language, disability, [sexual orientation and gender identity](#) by the Oregon Health Authority (Authority), 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 tribal, racial, cultural, and linguistic communities; people with disabilities; [and LGBTQIA2S+ communities](#). 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.

Statutory/Other Authority: ORS 413.161 & ORS 413.042

Statutes/Other Implemented: ORS 413.161

History:

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

950-030-0010

Definitions

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

- (1) "Contractor" means a person or governmental entity who has a legal agreement with the Authority or Department to provide goods or services.
- (2) "Demographic data" means collected information related to age, sex, [gender, sexual orientation](#), race, ethnicity, preferred spoken, signed and written language, interpreter needs, English proficiency and disability Demographic data under these rules will be collected for the purpose of better understanding populations who interact with the Authority and the Department.
- (3) "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.

- (4) “Gender identity” means a demographic designation that describes a person’s inner sense of being a girl/woman/female, boy/man/male, something else, or having no gender.
(a) Gender is not a biological, anthropological or genetic distinction.
- (5) “Gender modality” means a demographic designation that describes the extent to which a person’s gender identity corresponds to their sex assigned at birth.
- (6) “LGBTQIA2S+” means people who are lesbian, gay, bisexual, transgender or gender expansive, queer or questioning, intersex, asexual, two-spirit, and other terms that may be used for people with a sexual or gender minority identity.
- ~~(4)~~(7) “Primary racial or ethnic identity” means the race or ethnicity with which an individual most identifies when opting to choose from multiple designations.
- ~~(5)~~(8) “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.
- ~~(6)~~(9) “REALD” means race, ethnicity, preferred spoken and written language, English proficiency, interpreter needs and disability.
- (10) “Requestor” means an individual or entity that is required under these rules, required by contract, or otherwise required by law to collect REALD and SOGI information in accordance with these rules, and includes but is not limited to the Authority, the Department, and contractors and subcontractors of the Authority or the Department.
- (11) “Sexual orientation” means a demographic designation that describes how a person characterizes their emotional and sexual attraction to others.
- (12) “SOGI” means sexual orientation, gender identity and gender modality.
- ~~(8)~~ “Requestor” means an individual or entity that is required under these rules, required 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.
- (13) “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

History:

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950-030-0020

Demographic Data Collection Standards

- (1) To the greatest extent practicable, all programs and activities of the Oregon Health Authority (OHA) and Oregon Department of Human Services (ODHS), including activities to promote workforce diversity, and any data collection or reporting the Authority or Department does on behalf of other state agencies, through any means, must collect REALD and SOGI information in accordance with these rules and Authority-OHA and Department-ODHS policy.
- (2) To the greatest extent practicable, the Authority and the Department must require contractors and subcontractors, who collect, record or report any demographic data on behalf of OHA the Authority and Department-ODHS to collect REALD and SOGI information in accordance with these rules and Authority and Department policy.
- (3) A requestor, when collecting REALD and SOGI information in accordance with these rules, must comply with the following standards:
 - (a) Individuals ~~should~~ must be asked to self-report answers to the questions and information ~~should~~ 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) Never-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 (6) of this rule. 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) If an individual is under age 18, or if an individual aged 18 or older is accompanied by a parent or caregiver, the requestor must ask the following questions about the data collection process:
 - (a) "Who is filling out this form?" Response options:
 - (A) Individual/Patient
 - (B) Parent/Caregiver/Guardian
 - (C) Not listed (please specify): (with open text box)
 - (b) In subsection (4)(a) above, if the response was not (4)(a)(A) "Individual/Patient", the requestor must ask the following question: "Was the individual/patient present when the data was reported?" Response options:
 - (A) Yes
 - (A)(B) No
- (4)(5) When collecting REALD and SOGI information a requestor must offer the following response options in addition to any other responses required in these rules:
 - (a) For all REALD and SOGI questions, except for the question in OAR 950 030-0030(1) and the questions in OAR 950-030-0060 (2) and (4):
 - (A) "Declined", "declined to answer" or "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) "Unknown," or "do not know". This response ~~should~~ must be used by an individual or an individual's caregiver when the individual or caregiver does not know the answer to the question.
- (b) For questions regarding primary racial or ethnic identity in OAR 950-030-0030(3), in addition to the response options listed in subsection (a) of this section, a requestor must include the following response options:
 - (A) "I do not have just one primary racial or ethnic identity".
 - (B) "I identify as Biracial or Multi-racial".
- (c) Response options for the disability questions specified in OAR 950-030-0050 (2)(e) and ~~and~~ (3)(b); and the SOGI questions specified in OAR 950-030-0060(3), (5) and (8); and the name question specified in 950-030-0070 (1)(d), in addition to the response options listed in subsection (~~54~~)(a) of this rule, must also include the response option "I do not know what this question is asking".
- ~~(5)~~(6) When the race, ethnicity, signed, written or spoken language, disability, 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" combined with the "unknown" category for state level analysis.
- ~~(6)~~(7) 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" if the question was applicable but was not answered with any response.
- ~~(7)~~(8) 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.
- ~~(8)~~(9) Nothing in these rules prohibits the collection of information for purposes of establishing eligibility for a specific program or service.
- ~~(9)~~(10) The date for when the REALD and SOGI data was collected must be captured and included in the dataset holding the data.
- ~~(10)~~(11) 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 or have been asked within the last 12 months but there is information missing. If the response to any questions 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. A requestor does not need to attempt to collect missing information except annually, if a response is marked as "declined", "declined to answer" or "don't want to answer", or the response is marked as "not applicable".
- (12) Prior to collecting REALD and SOGI data from a minor, requestors submitting under ORS 413.164 must inform the individual:
 - (a) That all of a minor's medical and person information, including mental health, substance use, sexual behavior, past treatments, and demographic data, cannot be guaranteed to be confidential from parents or guardians; and

(b) That providers are encouraged to use their best clinical judgment in determining whether to share minors' data with parents or guardians.

~~(11)~~(13) Entities 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.

~~(12)~~(14) 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) Oregon Health Authority or Oregon Department of Human Services 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, non-English speakers and individuals with other access barriers.

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

(d) 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

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950-030-0030

Race and Ethnicity Demographic Data Collection Standard

- (1) An individual must be asked an open-ended question: "How do you identify your race, ethnicity, tribal affiliation, country of origin, or ancestry?"
- (2) At minimum, the demographic data categories in this section must be listed as possible responses 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/a/x/e Mexican.
- (f) Hispanic or Latino/a/x/e Central American.
- (g) Hispanic or Latino/a/x/e South American.
- (h) Afro-Latino/a/x/e.
- ~~(h)~~(i) Other Hispanic or Latino/a/x.
- ~~(i)~~(j) Asian Indian.
- ~~(j)~~(k) Cambodian.
- ~~(k)~~(l) Chinese.
- ~~(l)~~(m) Communities of Myanmar.
- ~~(m)~~(n) Filipino/a.
- ~~(n)~~(o) Japanese.
- ~~(o)~~(p) Korean.
- ~~(p)~~(q) Laotian.
- ~~(q)~~(r) Hmong.
- ~~(r)~~(s) South Asian.
- ~~(s)~~(t) Vietnamese.
- ~~(t)~~(u) Other Asian.
- ~~(u)~~(v) CHamoru (Chamorro).
- ~~(v)~~(w) Communities of the Micronesian Region.
- ~~(w)~~(x) Marshallese.
- ~~(x)~~(y) Native Hawaiian.
- ~~(y)~~(z) Samoan.
- ~~(z)~~(aa) Other Pacific Islander.
- ~~(aa)~~(bb) African American.
- ~~(bb)~~(cc) Afro-Caribbean.
- ~~(cc)~~(dd) Ethiopian.
- ~~(dd)~~(ee) Somali.
- ~~(ee)~~(ff) Other African (Black).
- ~~(ff)~~(gg) Other Black.
- ~~(gg)~~(hh) Middle Eastern.
- (ii) North African.
- ~~Other MENA or ?North African Jewish~~
- ~~(hh)~~(jj) Western European.
- ~~(ii)~~(kk) Slavic.
- ~~(jj)~~(ll) Eastern European.
- (mm) Other White Jewish Other White.
- ~~(kk) Other White Ashkenazi Jewish~~
- (nn)
- (oo) Sephardi.
- (pp) Mizrahi.

(qq) Other Jewish.

~~(rr)~~ Other.

(3) A requestor must:

- (a) Instruct individuals, either in writing or verbally, that more than one racial or ethnic category may be chosen.
- (b) If multiple categories of race or ethnicity are chosen, ask an individual an additional question regarding their primary racial or ethnic affiliation using the categories listed in section (2) of this rule.

Statutory/Other Authority: ORS 413.161 & ORS 413.042

Statutes/Other Implemented: ORS 413.161

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

950-030-0040

Language and Communication Needs Demographic Data Collection Standards

~~(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 (3) of this rule when the requestor needs to communicate directly with the child.~~

~~(2) Skip questions methodology:~~

~~(3) If in response to the questions in subsections (3)(a) and (4)(a) of this rule an individual answers that they only use English at home, the requestor does not need to ask the questions in subsections (3)(b) or (4)(b) of this rule.~~

~~(4) If in response to the questions in subsection (3)(a) and (4)(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 (3)(b)(E) or (4)(B)(c) of this rule.~~

(1) If a requestor or other person may have a need for ongoing communication with the individual answering questions, at minimum, the following questions about language and communication needs must be asked:

(a) "Do you use a language other than English at home?" Response options:

(A) No – I only use English at home

~~(A)~~ Yes

(B)

~~(b)~~

(b) -If the response to the question in subsection ~~(13)~~(a) of this rule is yes, the requestor must ask the following questions:

(A) ÷ "What language or languages do you use at home?"

~~(b)~~ If the individual indicates a response that includes a language other than English or in addition to English the individual should be asked:

~~(C)~~(B) "In what language do you want us to communicate with you in person, on the phone, or virtually?"

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

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

Response options:

i. Yes

~~ii.~~ No

(E) "If you need or want an interpreter, what type of interpreter is preferred?"

Response options:

i. Spoken language interpreter.

ii. American Sign Language interpreter.

~~iii.~~ Mexican Sign Language interpreter.

~~iv.~~ Deaf Interpreter for DeafBlind, additional barriers, or both.

v. Contact sign language (PSE) interpreter.

vi. Assistive Listening Device (FM, Loop)

vii. CART/Captioning

viii. Other sign language not listed (please specify): (with open text box)

(F) "Did you request translation and interpreter language access services for your last appointment?" Response options:

i. Yes

~~ii.~~ No

~~Other not listed (please specify): (with open text box)~~

(G) "If you requested translation and interpreter services language access services for your last appointment, did you receive them?" Response options:

i. Yes

ii. No

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

i. Very well.

ii. Well.

iii. Not well.

~~iv.~~ Not at all.

~~iv.~~

~~(5)~~(2) If a requestor is collecting information in accordance with this rule but there is no intent or need for ongoing communication between the requestor, other persons, and the individual answering questions, the following questions about language and communication needs must be asked:

(a) "Do you use a language other than English at home?" Response options:

(A) No – I only use English at home

(B) Yes

(b) If the response to the question in subsection ~~(4)(3)~~(a) of this rule is yes, the requestor must ask the following questions:

~~(E)(A)~~ "What language or languages do you use at home?"

~~(a)~~ If the individual indicates a response ~~3~~ that includes a language other than English or in addition to English the individual should be asked:

~~(E)(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?"

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

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

- i. Very well.
- ii. Well.
- iii. Not well.
- iv. Not at all.

(3) 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 (1) of this rule when the requestor needs to communicate directly with the child.

(4) If in response to the questions in subsections (1)(a) or (2)(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 (1)(c)(F) or (2)(c)(C) of this rule.

Statutory/Other Authority: ORS 413.161 & ORS 413.042

Statutes/Other Implemented: ORS 413.161

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950-030-0050

Disability Demographic Data Collection Standards

(1) A requestor must ask the following questions regarding functional limitations of individuals of any age, except as specified in section ~~(66)~~ of this rule:

~~(+)~~

~~OR Do you identify as someone with a disability, or as having a physical, mental, emotional, cognitive, or intellectual condition—
response option Yes, No~~

~~If yes, please share: _____~~

~~(e)(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) The requestor must ask the following open-ended question after all other disability questions listed in this section: "If you identify as someone with a disability, or as having a physical, mental, emotional, cognitive, or intellectual condition, please tell us what would you like us to know?" (with open text box)

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(3)(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)?"

(4)(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?"

(5)(4) A requestor must ask the individual the following for any "yes" response to any question in sections (1) through (3) of this rule: "If yes, at what age did this condition begin?"

(6)(5) A requestor must ask the individual for their current age or date of birth if the individual answered "yes" to any one of the questions in sections (1) through (3) of this rule.

(7)(6) 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.

Statutory/Other Authority: ORS 413.161 & ORS 413.042

Statutes/Other Implemented: ORS 413.161

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950-030-0060 NEW SECTION HERE Sexual Orientation and Gender Identity Demographic Data Collection Standards

- (1) Requestors must ask the following questions in sections (2) through (6) to individuals aged 12 or older. Alternative standards based on age of the individual are specified in section (9) of this rule.
- (2) An individual must be asked an open-ended question regarding gender identity: "Please 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) Non-binary
 - (D) Agender/No gender
 - (E) Genderfluid
 - (F) Genderqueer
 - (G) Questioning
 - (H) Based on your ethnicity, please share another gender not listed: (with open text box)
 - (I) Not listed. My gender is: (with open text box)
 - (b) "Are you transgender?" Response options:

 - (A) Yes
 - (B) No
 - (C) Questioning
- (4) An individual must be asked an open-ended question regarding sexual orientation: "Please describe your sexual orientation or sexual identity in any way you want:"
- (5) A requestor must ask the following question regarding sexual orientation: "How do you describe your sexual orientation or sexual identity?" Response options:

 - (a) Same-gender loving
 - (b) Lesbian
 - (c) Gay
 - (d) Bisexual
 - (e) Pansexual
 - (f) Straight (attracted mainly to or only to other gender(s) or sex(s))
 - (g) Asexual
 - (h) Queer
 - (i) Questioning
 - (j) Not listed. My sexual orientation is: (with open text box)
- (6) If additional information about an individual's sex is collected for health care or reporting purposes, such as data matching, the requestor must ask the following question: "When you were born, what sex was assigned to you?" Response options:

 - (a) Male
 - (b) Female
 - (c) Intersex
 - (d) Unspecified

- (e) Not listed. Please tell us: (with open text box)
- (7) For questions specified in subsections (3)(a) and (5) of this rule, a requestor must instruct individuals, either in writing or verbally, that more than one response may be chosen.
- (8) For individuals who selected the race and ethnicity category of “American Indian” or “Alaska Native” specified in OAR 950-030-0030 (2)(a) and (2)(b), the requestor must provide the additional response option of “Two Spirit” for the questions specified in subsections (3)(a) and (5) of this rule.
- (9) For individuals under age 12, the requestor will ask the following question: “Are you currently:”
Response options:
- (a) A boy
- (b) A girl
- (c) Both
- (d) Something else: (with open text box)
- (e) It changes over time

950-030-0200

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 Division or Office of Equity and Multicultural Services, as appropriate, in February of each even numbered year. Reports shall include information about each program’s:
- Progress in implementing these standards.
 - Challenges to full implementation of these standards.
 - Plan for addressing challenges, including identifying responsible staff and timeline.
- (2) The Office of Equity and Inclusion Division 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.

Statutory/Other Authority: ORS 413.042 & 413.161

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