
House Bill 2134 Rulemaking: Updating the REALD & SOGI Data Collection Standards

Rules Advisory Committee Mtg. #4:
Friday, January 12, 2024



Welcome!

While we wait to get started...

- To access captioning – click on captions – show subtitles
- A video recording of this meeting will be publicly available on Youtube.
- For your privacy and security we recommend setting your Zoom name to your first name and last initial; adding your pronouns is also helpful.

Welcome!

While we wait to get started...

- Private chat REALD & SOGI staff if you are having technical challenges
- Check out the [Equity and Inclusion Division Rulemaking website](#) for more info and resources for the RAC

Agenda & Objectives

Matt, OHA

RAC Mtg. #4 Agenda

Time	Agenda Item	Presenter
9:00	Welcome, roll call, review of agenda, objectives	Matt, OHA
9:05	Where we are today – points of agreement	Marjorie, Cliff, & Marty, OHA
9:30	Instructions & breakout session #1	Cliff, OHA
10:10	<i>10-Minute Break</i>	
10:20	Breakout session #2	
10:55	Debrief (large group)	Cliff, OHA
11:25	Next steps in rulemaking process & impact statements	Colleen N, OHA
11:55	Closing	Colleen R & Cliff, OHA

Objectives

By the end of this meeting, participants will be able to:

- Summarize the main points of agreement on the standards and points for which more discussion is needed
- Advise OHA and ODHS on breakout questions and draft notice of rulemaking
- Understand the rulemaking timeline after RAC process is complete

Where We Are Today – Points of Agreement

Marjorie, Cliff, & Marty, OHA

Added two “logistical” questions

1. Who is filling out this form? (choose the best option)

- The individual alone
- The individual with another person present
- Another person with the individual present
- Another person without the individual present

2. What is your date of birth (MM/DD/YYYY):

Race/Ethnicity

- Added 23 additional race/ethnicity categories
 - Incorporated required race categories for providers in Washington State (n=70) AND detailed AOIC 2020 Census figures for Oregon to find a middle ground
 - (Continued on next slide)

Race/Ethnicity (Continued)

- Considered numbers available for Jewish communities in the Portland Metro area (due to lack of other figures) and how people prefer to self-identify in the case of Afro-Latino/a/e/x
- Includes feedback and discussions with RAC members AND external community organizing with Jewish & MENA communities

Race/Ethnicity (Continued)

- 15 – >2000 & required by Washington
- 5 – requested by Jewish (3) & MENA (2) & Latino/a/x/e community members (1)

Race/Ethnicity (Continued)

- 3 – Other unlisted, please specify _____
(for Jewish, Middle Eastern and North African)
 - Paper forms – add text and format for open text responses (e.g. Other Black changes to Black-Other unlisted, please specify).
 - Online formats - can use display logic to elicit open text based on selection of "Other" categories, and store that information in one additional open text field

Race/Ethnicity Groups Added

- **Asian** (n=5): Afghan, Indonesian, Pakistani, Taiwanese, Thai
- **Hispanic/Latino/a/x/e** (n=3): Afro-Latino/a/x/e; Cuban, Puerto Rican
- **Jewish** (n=3): Ashkenazi, Sephardic, Jewish-Other unlisted
- **MENA** (n=9): Egyptian, Iranian, Iraqi, Lebanese, Palestinian, Syrian, Turkish, Middle Eastern-Other unlisted; North African – Other unlisted
- **White** (n=3): Romanian, Russian, Ukrainian

Disability

- Disability question asked after all other disability questions: **“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)

SOGI for Individuals Age 12+: Gender

**1. Please describe your gender in any way
you prefer:**

SOGI for Individuals Age 12+: Gender (Continued)

2. What is your gender? (check all that apply)

- Girl or woman Boy or man Non-binary Agender/ No Gender Genderfluid Gender queer

Based on your ethnicity, please share another gender identity not listed: _____

Not listed, my gender is: _____

- I don't know I don't know what this question is asking I don't want to answer

SOGI for Individuals Age 12+: Gender (Continued)

3. Are you transgender?

Yes

No

Questioning

I don't
know

I don't know what
this question is
asking

I don't want to
answer

SOGI for Individuals Age 12+: Sexual Orientation

- 1. Please describe your sexual orientation or sexual identity in any way you prefer:**

SOGI for Individuals Age 12+: Sexual Orientation (Continued)

2. What is your sexual orientation? (check all that apply)

Same-gender loving Lesbian Gay Bisexual Pansexual

Straight (attracted mainly to or only to other gender(s) or sex(s)) Asexual

Queer Questioning Not listed, my sexual orientation is: _____

I don't know

I don't know what this question is asking

I don't want to answer

SOGI for Minors (under age 18)

- **Takeaway from 12/15 RAC meeting:** Important to ensure clear and comprehensive communication about confidentiality when collecting data from minors
- Updated messaging in OARs to providers about what must be communicated prior to data collection
 - What needs to be communicated can vary by context (e.g., anonymous survey vs. information stored on health records)

Demographic Data Collection Messaging (all ages)

From ORS 413.164:

“(3.b.C.) Prior to data collection, requestors must inform the individual and, if applicable, their caregiver or guardian:

- That data collected under subsection (2) of this section is reported to the authority;
- How the authority, coordinated care organization, health care provider and health insurer use the data...” (continued on next slide)

Demographic Data Collection Messaging (all ages) Continued

- “...Of the purposes for which the data may not be used;
- That the patient, client or member is not required to answer questions regarding race, ethnicity, preferred spoken and written languages, disability status, sexual orientation and gender identity”

This is for *all* individuals, not just minors

Demographic data collection messaging (minors)

Proposed messaging to be added to OARs:

"In addition to the communication required in ORS 413.614 section (3), prior to collecting REALD and/or SOGI data from an individual under age 18, requestors submitting under ORS 413.164 must inform the individual of all relevant confidentiality policies and regulations, including who may access the individual's demographic information and whether or not this information may be disclosed to parents or guardians."

SOGI for Individuals Under age 12

1. Are you currently: (check all that apply)

A boy A girl Both Something else: _____

It changes over time

I don't know I don't know what this question is asking I don't want to answer

Breakout Sessions

Cliff, OHA

Breakout Groups

1. Language & Disability
2. Sex

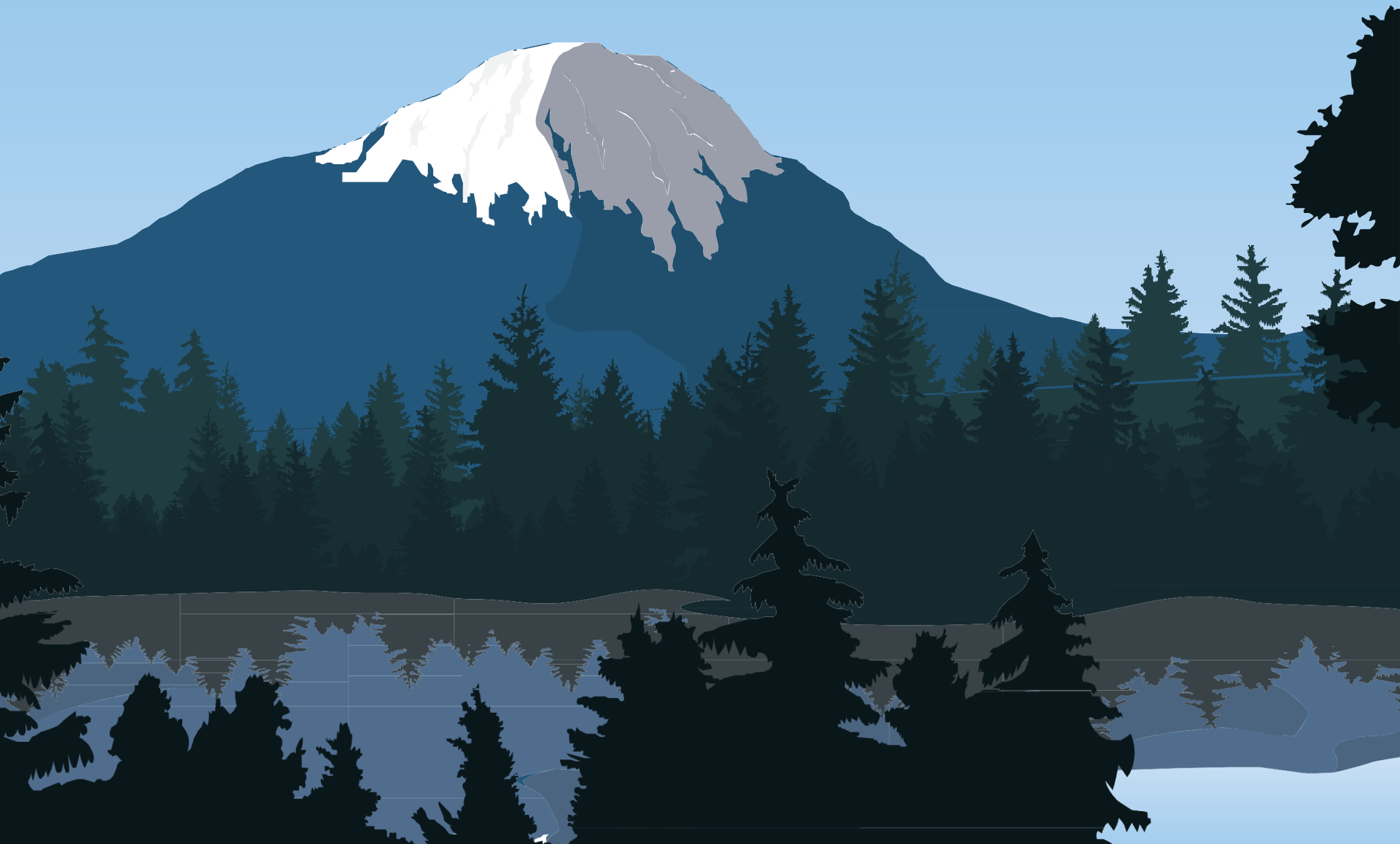
Breakout Group Instructions

- **Step 1** – Select a facilitator to keep your discussion on track
- **Step 2** – Select a notetaker to post notes in the large group chat after the breakout session
- **Step 3** – Discuss the breakout questions assigned to your group
- **Note:** There will be two 50-minute sessions in different groups

*Breakout session #1 in
progress – back soon*



10-minute break



*Breakout session #2 in
progress – back soon*



Breakout Groups Debrief

1. Language & Disability
2. Sex

Next Steps in Rulemaking Process

Colleen N

What does the rulemaking process look like?



Rulemaking & RAC Process Overview

RAC Mtg.
#1
11/17/23
9-12 noon

RAC Mtg. #3
12/15/2023
1-4 pm

Public
Comment
(likely
March)

RAC Mtg.
#2
12/1/23
9-12 noon

RAC Mtg.
#4
1/12/24 –
last RAC to
tie up loose
ends

Notice of Rulemaking Draft

- Purpose of notice
- Notice of Rulemaking draft
- Gathering thoughts and feedback on draft notice, especially the fiscal impact and racial equity statements
- Fill out / share fiscal impact survey link with fiscal contacts by January 26 (2 weeks from now)

Closing

Colleen R & Cliff, OHA

Next Steps for HB 2134 RAC

- Fill out or share the fiscal impact survey link in our most recent email to you by January 26 (two weeks from today)
- This is our last RAC meeting – next step is public comment period in March
- Email us with remaining questions or concerns:

OHAREALD.Questions@odhsoha.oregon.gov

Thank you!

- Please put in chat:
 - What went well today?
 - What could be improved?