

Oregon Administrative Rules NOTICE OF PROPOSED RULEMAKING WORKSHEET

Filing Contact:

Name: Marjorie McGee

Email: OHAREALD.Questions@odhsoha.oregon.gov

Phone Number: 971-291-4342

Address: Equity & Inclusion Division, 421 SW Oak Street, Portland, OR 97204

Last Date and Time for Public Comment:

Date: March 21, 2024 (TBD)

Time: 5:00 PM

Filing Caption: Adds SOGI and Updates REALD Demographic Data Collection and Reporting, as authorized by ORS 413.161

Hearing:

Date: March 19, 2024 (TBD)

Time: 1:00 PM – 2:00PM

Street Address: (All Hearings are virtual. Include zoom link and phone number to call in.)

Hearings Officer Name: Jonathan Salazar

Special Instructions: The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to [Name] at [phone number] or by email at [email address].

STATEMENT OF NEED AND FISCAL IMPACT

The catalyst for the update is House Bill 3159 (2021) (ORS 413.164), which required Sexual Orientation and Gender Identity (SOGI) to be added to the existing REALD (Race, Ethnicity, Language and Disability) rules. However, the standards adopted by OHA under ORS 413.161 were in need of updating. LGBTQIA2S+ communities, communities of color and disabled communities are disproportionately impacted by health and service inequities; without collection and reporting of REALD and SOGI data these health and service inequities cannot be adequately identified and addressed.

Comprehensive collection of REALD and SOGI data is a critical building block to achieve full health equity and rectify the root causes related to racism, discrimination and oppression. **Note: We are awaiting confirmation from the Tribes about adding tribal questions to the data collection.** With REALD and SOGI data, together we can:

- Use information to improve access to medical treatment and community-based services,

- Design culturally responsive and accessible interventions to improve health, and
- Reallocate resources and power needed to effectively address inequities.

Documents Relied Upon, and where they are available:

- [Census 2020 AOIC counts](#)
- [Washington State race/ethnicity standards for providers](#)
- [OHA SOGI draft standards](#)
- [HB 3159](#)

Fiscal and Economic Impact:

Between Jan 9 and Jan 26, 2024, RAC members completed a Fiscal Impact Survey, which represents ___% of RAC members (from unduplicated organizations). ___% RAC members (from unduplicated organizations) anticipated costs, which totaled ___. Small businesses that completed the survey anticipated the fiscal impact would be ___.

Among non-health entities, one community-based organization (CBO) anticipated a cost of ___ for training about REALD & SOGI.

Among health systems, the costs ranged from ___ to ___. The breakdown of these costs are as follows:

Electronic Health Record/Data System: ___

Staffing: ___

Training: ___

Statement of Cost of Compliance:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). Rules affect OHA and the Oregon Department of Human Services (ODHS), which may incur staffing costs for implementation of the rule, technical assistance to businesses and creation of tools and templates. Additional fiscal impact for OHA and ODHS varies by type of database and data collection instrument. Below are some estimates for specific dataset needs:

- \$30,000 for 3 surveillance surveys developed with a vendor and done annually
- \$23,550 to update Oregon ACCESS
- \$___ to update ODHS data systems
- \$126,000 to update the ONE-IE system
- \$30,000 to update REALD templates (20 languages)
- \$75,000 to create and translate SOGI templates (20 languages)

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s); types of small businesses can include community-based organizations, small provider offices and long-term care and congregate living facilities. The effect on small businesses varies depending

on whether they employ licensed providers as specified in ORS 413.164 once the REALD & SOGI registry goes live (estimated in 2027); additional rulemaking will specify the contexts and small business contexts in which the providers mentioned in 413.164 will be required to submit REALD & SOGI data to the registry. All small businesses and community-based organizations who are contractors or subcontractors of the OHA and/or ODHS and collect demographic data on behalf of OHA and/or ODHS are subject to the rules.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); Providers that are subject to the rule are required to collect and report the REALD & SOGI data (forms and electronic methods provided by OHA), those data may be stored electronically or via paper forms. Administrative costs could include staff training, time and staff to input data electronically, and monitoring of updates to the forms and/or tools.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s). Small businesses anticipated the fiscal impact would be \$__.

Describe how small businesses were involved in the development of these rule(s)?

Members from CBOs and health systems that employ less than 50 employees were included in the RAC.

Racial Equity Statement

REALD race and ethnicity data collection standards increase the availability of granular race and ethnicity data statewide, which helps OHA and communities identify, measure and begin to address health inequities within and between racial and ethnic groups. Granular data increases visibility of previously underserved communities. It also visualizes the diversity of the people of Oregon and allows individuals to see themselves in the data relating to programs and issues that affect them. This rulemaking will increase the number of racial and ethnic categories from 39 to 60.

Was an Administrative Rule Advisory Committee (RAC) consulted? If not, why not?

Yes.

Rule Text and Summary:

Rulemaking Action:

Rule number:

Rule title:

Full rule text in tracked changes:

Statutes or Other Authority:

Statutes or Other Implemented:

Brief Summary of rule changes: