

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 950
OREGON HEALTH AUTHORITY
EQUITY AND INCLUSION DIVISION

FILED

07/30/2024 3:04 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establish grants supporting REALD & SOGI data collection by community health organizations and community-based groups.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Cliff Leek
503-910-5320
cliff.leek@oha.oregon.gov

Five Oak Building
209 SW 4th Ave.
Portland, OR 97204

Filed By:
Colleen Needham
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/19/2024

TIME: 10:00 AM

OFFICER: Jonathan Salazar

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 1-669-254-5252

SPECIAL INSTRUCTIONS:

This meeting will be conducted virtually in Zoom. Meeting ID: 161 178 8466

Passcode: 948995

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 Jonathan Salazar at 971-372-1907 or by email at jonathan.e.salazar@oha.oregon.gov.

NEED FOR THE RULE(S)

ORS 413.166 establishes the REALD & SOGI Grant Program within the Oregon Health Authority (OHA) and requires OHA to adopt rules for the Program. The Program offers grants supporting safe data collection by community health organizations and community-based groups with demonstrated experience serving tribal communities, communities of color, LGBTQ+ people, people with disabilities, people who speak primary languages other than English and other underserved populations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Funding to support REALD & SOGI data collection by community health organizations and community-based groups aids in understanding the diversity of the people in Oregon by race and ethnicity in combination with other identities and helps create a more complete picture of who is most impacted by health inequities.

FISCAL AND ECONOMIC IMPACT:

\$350,000 Biennial OHA spending, with 100% going directly to grantees.

Grantees/partners will be community health organizations and community-based groups, there will be approximately 7-10 grantees funded annually.

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). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s): This program offers grants supporting safe data collection by community health organizations and community-based groups with demonstrated experience serving tribal communities, communities of color, LGBTQ+ people, people with disabilities, people who speak primary languages other than English and other underserved populations.

(2) Effect on Small Businesses: Small businesses could be potential grantees, applying for and possibly receiving funding.

(a) Estimate the number and type of small businesses subject to the rule(s); \$175,000 yearly to be awarded, 7-10 potential awardees yearly. A number of the grantees could be small businesses.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s): Grantees will be submitting a grant application, monthly grantee reporting, and an annual report. The cost of providing these applications and supports will vary depending on the organization/entity.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s): Potential grantees administrative costs should be incorporated into their grant application and funding. The position funding is included.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were able to participate in the community engagement survey.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. A more intentional community engagement focused style of Rules review was utilized. A review survey was created in an accessible format and was utilized to gather community feedback.

RULES PROPOSED:

950-033-0000, 950-033-0010, 950-033-0020, 950-033-0025, 950-033-0030, 950-033-0035, 950-033-0040, 950-033-0045

ADOPT: 950-033-0000

RULE SUMMARY: Identify the purpose and scope of the OHA – Equity & Inclusion Division's REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0000

Purpose and Scope

ORS 413.166 requires the Oregon Health Authority to develop and administer a grant program to provide funding for the purpose of supporting safe REALD and SOGI data collection by community health organizations and community-based groups with demonstrated experience serving tribal communities, communities of color, LGBTQIA2S+ people, people with disabilities, people who speak primary languages other than English and other underserved populations. These rules implement that grant program, referred to as the REALD and SOGI grant program.

Statutory/Other Authority: ORS 413.446

Statutes/Other Implemented: ORS 413.446

ADOPT: 950-033-0010

RULE SUMMARY: Provide definitions of key terms used within the OHA – Equity & Inclusion Division’s REALD & SOGI Grant Program and its rules.

CHANGES TO RULE:

950-033-0010

Definitions

The following definitions apply to OAR 950-033-0000 to 950-033-0045, unless otherwise noted: ¶

(1) "Awardee" means an applicant that is selected for a grant award through the REALD and SOGI grant program.¶

(2) "Grant agreement" means a legal document agreed to and signed by awardee and the Oregon Health Authority (OHA) that describes the terms and conditions for receipt of the grant award.¶

(3) "Grant applicant" or "applicant" means an eligible entity that submits an application for a grant award from the REALD and SOGI Grant Program.¶

(4) "Community health organization" includes but is not limited to community focused or supported health organizations such as FOHCs, community health clinics, and healthcare focused community-based groups and organizations (CBOs), and tribal health clinics.¶

(5) "Community-based group" or "Community Based Organization" (CBO) means a group or organization that is community driven, that support and are aimed at improving specific communities' social and physical health, well-being, success and overall quality of life, and that often are representative of communities that have been marginalized, oppressed, underserved, stigmatized and discriminated against.¶

(6) "Culturally responsive" means showing full respect for and the relevance of the beliefs, practices, culture and linguistic needs of diverse people and communities being served; having the capacity to respond to the unique issues and characteristics of diverse communities, taking into account language, cultural approaches, strengths, perspectives, experiences, values and norms; and being welcoming, accessible, appropriate and effective for all eligible intended recipients.¶

(7) "Trauma-informed" or "trauma awareness" means considering and evaluating the role that trauma plays in the lives of people seeking assistance and providing assistance in a manner that is responsive to the vulnerabilities of trauma survivors and avoids inadvertent re-traumatization.

Statutory/Other Authority: ORS 413.166

Statutes/Other Implemented: ORS 413.166

ADOPT: 950-033-0020

RULE SUMMARY: Identify the content of the announcement of forthcoming grant opportunities for the OHA – Equity & Inclusion Division’s REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0020

Grant Announcement

The Oregon Health Authority must announce availability of funding from the REALD and SOGI Grant Program and the announcement must include:

(1) Available funding;

(2) Eligible entities and services;

(3) Term of the grant;

(4) Template grant agreement;

(5) Template budget;

(6) Application criteria; and

(7) Evaluation and review process.

Statutory/Other Authority: ORS 413.166

Statutes/Other Implemented: ORS 413.166

ADOPT: 950-033-0025

RULE SUMMARY: Identify the eligible grantee entities and services of the OHA – Equity & Inclusion Division’s REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0025

Eligible Entities and Eligible Services

Community health organizations and community-based groups in Oregon are eligible to apply for the REALD and SOGI grant. In accordance with ORS 413.166. The Oregon Health Authority, Equity and Inclusion Division encourages grant applications that describe activities that provide culturally responsive, trauma-informed trainings on the collection of the demographic data described in ORS 413.164(2).

Statutory/Other Authority: ORS 413.166

Statutes/Other Implemented: ORS 413.166

ADOPT: 950-033-0030

RULE SUMMARY: Identify the grantee application criteria of the OHA – Equity & Inclusion Division's REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0030

Application Criteria

An application for REALD and SOGI grant funding must contain all information required by Oregon Health Authority in the grant solicitation, including, but not limited to: ¶

(1) A detailed scope of work that provides a description of the services to be offered or training to be received, in order to provide culturally responsive, trauma-informed trainings on the collection of the data described in ORS 413.164(2) The description must include a plan for how the applicant would use funding, indicating what, if any, services would be subcontracted; ¶

(2) Documentation of the applicant's experience offering the proposed support and/or trainings; ¶

(3) Documentation of the applicant's experience with providing training on any or all of the following topics, as these terms are described in OAR 944, division 010: ¶

(a) Trauma-informed services; ¶

(b) Culturally and linguistically specific services; ¶

(c) Culturally and linguistically responsive services; ¶

(d) Services to individuals with intellectual and developmental disabilities; ¶

(e) Services to individuals with physical disabilities; ¶

(f) Gender affirming and responsive care; ¶

(g) LGBTQIA2S+ affirming and inclusive services; ¶

(h) Youth friendly and inclusive services. ¶

(4) If the applicant is a past recipient of REALD & SOGI funding, the applicant must provide a detailed description of the services provided under the previous award and how the usage of an additional award would be substantially different; ¶

(5) A detailed project description that includes timelines for deliverables if funded with REALD and SOGI funds, the estimated number of individuals to be served over the term of the grant for each service type, and the intended impact of the project; ¶

(6) A detailed operating budget for the project using the provided template and including a budget narrative.

Statutory/Other Authority: ORS 413.166

Statutes/Other Implemented: ORS 413.166

ADOPT: 950-033-0035

RULE SUMMARY: Identify the grant application evaluation and review process of the OHA – Equity & Inclusion Division's REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0035

Evaluation and Review Process

- (1) The Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section shall appoint a grant review panel.
- (2) The grant review panel will review and evaluate each grant application based on the following criteria:
 - (a) If the applicant has previously received REALD and SOGI funding, the impact of services provided;
 - (b) The demonstrated experience of the applicant serving tribal communities, communities of color, LGBTQIA2S+ people, people with disabilities, people who speak primary languages other than English and other underserved populations;
 - (c) The demonstrated experience of the applicant offering support and/or trainings related to the proposed project;
 - (d) Feasibility and alignment of project description with REALD and SOGI Grant goals and administrative rules;
 - (e) Impact of proposed project is proportionate to the funding request;
 - (f) Budget and budget narrative alignment with project description and REALD and SOGI goals and administrative rules; and
 - (g) Whether the applicant adhered to all directions in the application, including but not limited to, following word count, submitting all required materials, using all required templates and forms, and meeting all prescribed deadlines.
- (3) Each member of the grant review panel must complete an evaluation sheet for each applicant that results in a numeric score.
- (4) The grant review panel may request clarifying materials from applicants as a part of the scoring process;
- (5) A grant application that does not receive a minimum score must not be considered further.
- (6) Once all the applications have been evaluated and scored the grant review panel must provide final funding recommendations to the Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section leadership.
- (7) The Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section or their designee shall make final award determinations.

Statutory/Other Authority: ORS 413.446

Statutes/Other Implemented: ORS 413.446

ADOPT: 950-033-0040

RULE SUMMARY: Identify the grant approval process of the OHA – Equity & Inclusion Division’s REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0040

Grant Approval Process

(1) Awards may be funded in-whole or in-part.¶

(2) Any applicants not funded will be notified in writing by the Oregon Health Authority, Equity and Inclusion Division.

Statutory/Other Authority: ORS 413.446

Statutes/Other Implemented: ORS 413.446

ADOPT: 950-033-0045

RULE SUMMARY: Identify the appeal of denial process of the OHA – Equity & Inclusion Division’s REALD & SOGI Grant Program.

CHANGES TO RULE:

950-033-0045

Appeal of Denial of Grant

(1) An applicant that was not awarded a grant may submit a written appeal request to Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section within five (5) business days after receiving the notice. A written appeal request must include:¶

(a) The application and all application materials submitted to the Oregon Health Authority; and¶

(b) A statement explaining why the applicant believes they meet the minimum application criteria or should have received a higher evaluation score.¶

(2) The Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section or their designee must approve or deny the request for an appeal submitted under section (1) of this rule and must notify the applicant in writing of the decision to approve or deny the requested appeal within 10 business days of receipt of the appeal. The decision must be final.¶

(3) An applicant may not submit any additional materials other than those submitted with the application, when appealing a decision. The Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section may not consider additional materials when reviewing an appeal.¶

(4) The Oregon Health Authority, Equity and Inclusion Division, REALD and SOGI section may ask the grant review panel to reevaluate an application that has been appealed.¶

(5) The decision to grant an appeal in favor of the applicant for one request does not set a precedent that must be followed by the Oregon Health Authority, Equity and Inclusion Division when evaluating subsequent requests for appeal.

Statutory/Other Authority: ORS 413.446

Statutes/Other Implemented: ORS 413.446