

Multiple Agency Fiscal Note Summary

Bill Number: 1967 E HB	Title: Physician convicted for DUI
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Estimated Cash Receipts

Agency Name	2007-09		2009-11		2011-13	
	GF- State	Total	GF- State	Total	GF- State	Total
Total \$						

Local Gov. Courts *						
Local Gov. Other **						
Local Gov. Total						

Estimated Expenditures

Agency Name	2007-09			2009-11			2011-13		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Health	.9	0	182,000	.9	0	182,000	.9	0	182,000
Total	0.9	\$0	\$182,000	0.9	\$0	\$182,000	0.9	\$0	\$182,000

Local Gov. Courts *									
Local Gov. Other **			319,850			207,000			207,000
Local Gov. Total			319,850			207,000			207,000

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Prepared by: Garry Austin, OFM	Phone: 360-902-0564	Date Published: Final 3/26/2007
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 17651

Judicial Impact Fiscal Note

Bill Number: 1967 E HB	Title: Physician convicted for DUI	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ No Fiscal Impact

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact: Lidia Mori	Phone: (360)786-7755	Date: 03/20/2007
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 03/20/2007
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 03/21/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/21/2007

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill requires the prosecuting attorney to notify the state patrol of a conviction for a violation of RCW 46.61.502 or 46.61.504. The state patrol shall transmit that information to the department of health (DOH). DOH is to identify whether the person holds a credential issued by the medical quality assurance commission and provide the commission with this information. The commission will decide whether the physician should be referred to the impaired physician program. This legislation has no impact on the Washington courts.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 1967 E HB	Title: Physician convicted for DUI	Agency: 225-Washington State Patrol
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Part I: Estimates

☒ **No Fiscal Impact**

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Lidia Mori	Phone: (360)786-7755	Date: 03/20/2007
Agency Preparation: Eileen Nashleanas	Phone: 360-753-0637	Date: 03/20/2007
Agency Approval: Mary Thygesen	Phone: (360) 753-0755	Date: 03/23/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/24/2007

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Engrossed House Bill 1967 adds a section to RCW 43.43 stating that upon a guilty plea or conviction for Driving Under the Influence (DUI) the prosecuting attorney shall notify the State Patrol of such plea or conviction. In turn the State Patrol will notify the Department of Health that a person has pled guilty to or been convicted of a DUI violation. The DOH will identify whether the person holds a credential issued by the medical quality assurance commission, and would then assess whether or not the physician should be referred to the impaired physician program.

The WSP currently sends some conviction data to DOH on a quarterly basis. The list of DUI convictions could be added to this list. A memo of understanding would be drafted between the WSP and DOH to provide details of which violations would be provided

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

No additional cash receipts will be received by the Washington State Patrol upon passage of this bill.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The WSP does not currently anticipate any significant increase to its utility costs as a result of this legislation. If the agency should find otherwise, it will request additional funding via the budget process.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

No new rules will be required upon passage of this legislation.

Individual State Agency Fiscal Note

Bill Number: 1967 E HB	Title: Physician convicted for DUI	Agency: 303-Department of Health
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

FUND					
Total \$					

Estimated Expenditures from:

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	0.9	0.9	0.9	0.9	0.9
Fund					
Health Professions Account-State 02G-1	91,000	91,000	182,000	182,000	182,000
Total \$	91,000	91,000	182,000	182,000	182,000

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Lidia Mori	Phone: (360)786-7755	Date: 03/20/2007
Agency Preparation: Danny Howard	Phone: (360) 236-4625	Date: 03/20/2007
Agency Approval: Nancy Stevenson	Phone: 360-236-4530	Date: 03/25/2007
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 03/26/2007

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1: This bill provides a method to report medical physician conviction for driving while under the influence (DUI) to the Department of Health (DOH), Medical Quality Assurance Commission.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Revenue will need to be developed through fee increases to offset expenditures. Depending on the impact of this bill and other new legislation that may also impact program expenditures, an exception to I-601 may be required.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Section 1: This bill requires the prosecuting attorney to notify the Washington State Patrol (WSP) on DUI guilty pleas or convictions of medical physicians. The WSP is required to send the information to DOH. The DOH, Office of Health Professions Quality Assurance (HPQA) will verify if the individual is a licensed medical physician and report to the Medical Quality Assurance Commission to review and assess if the physician should be referred to the impaired physician program.

HPQA currently receives felony information from the WSP. This bill will expand the WSP reporting requirements to include DUI convictions. HPQA will need to screen the information against medical licensee records. An investigation will be required for those physicians identified as currently licensed by HPQA and convicted of a DUI.

For purposes of this fiscal note, HPQA is assuming that approximately 50 physicians will have DUI convictions each year. This estimate is based on the number of other convictions that medical physicians have and assume they will have the same rate for DUIs.

Starting in FY 2008, and ongoing, HPQA is estimating receiving an additional 50 cases for investigation on medical physician license holders each year. Costs will include staff and associated costs, Office of Attorney General time, printing and postage. Staff includes 0.29 FTE Health Care Investigator 2, 0.04 FTE Health Care Investigator 4, 0.15 FTE Hearings Examiner 3 (Staff Attorney), 0.02 FTE Senior Staff Attorney (WMS, Band 2), 0.06 FTE Legal Secretary 2, 0.01 FTE Legal Secretary 1, 0.01 FTE Legal Secretary 3, 0.01 FTE Office Assistant 3, 0.03 FTE Paralegal 2, 0.04 FTE Hearings Examiner 3 (Health Law Judge), and 0.02 FTE Hearing Scheduler. Total staff equates to 0.68 FTE.

There will also be salary, benefit, and associated costs with administrative workload. Starting in FY 2008, staff will include a 0.10 FTE Health Services Consultant 2 and a 0.10 FTE Financial Analyst 2. These costs will be ongoing.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	0.9	0.9	0.9	0.9	0.9
A-Salaries & Wages	46,000	46,000	92,000	92,000	92,000
B-Employee Benefits	11,000	11,000	22,000	22,000	22,000
C-Personal Serv Contr					
E-Goods and Services	33,000	33,000	66,000	66,000	66,000
G-Travel					
J-Capital Outlays					
M-Inter Agency Fund Transfers					
N-Grants, Benefits Services					
P-Debt Service					
S-Interagency Reimbursement					
T-Intra-Agency Reimbursement	1,000	1,000	2,000	2,000	2,000
Total:	\$91,000	\$91,000	\$182,000	\$182,000	\$182,000

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2008	FY 2009	2007-09	2009-11	2011-13
Financial Analyst 2	42,480	0.1	0.1	0.1	0.1	0.1
Hearings Examiner 3	67,920	0.2	0.2	0.2	0.2	0.2
Hearings Scheduler	34,128	0.0	0.0	0.0	0.0	0.0
Hlth Care Investigator 2	53,052	0.3	0.3	0.3	0.3	0.3
Hlth Care Investigator 4	58,548	0.0	0.0	0.0	0.0	0.0
Hlth Services Consultant 2	48,036	0.1	0.1	0.1	0.1	0.1
Legal Secretary 1	34,128	0.0	0.0	0.0	0.0	0.0
Legal Secretary 2	36,624	0.1	0.1	0.1	0.1	0.1
Legal Secretary 3	39,192	0.0	0.0	0.0	0.0	0.0
Office Assistant 3	31,056	0.0	0.0	0.0	0.0	0.0
Paralegal 2	44,664	0.0	0.0	0.0	0.0	0.0
Senior Staff Attorney (WMS2)	79,896	0.0	0.0	0.0	0.0	0.0
Total FTE's		0.9	0.9	0.9	0.9	0.9

III. C - Expenditures By Program (optional)

Program	FY 2008	FY 2009	2007-09	2009-11	2011-13
Hlth Professions Quality Assurance (060)	81,000	81,000	162,000	162,000	162,000
Administration (090)	10,000	10,000	20,000	20,000	20,000
Total \$	91,000	91,000	182,000	182,000	182,000

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 1967 E HB

Title: Physician convicted for DUI

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: For prosecuting attorney staff time in forwarding conviction information.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

Jurisdiction	FY 2008	FY 2009	2007-09	2009-11	2011-13
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Jurisdiction	FY 2008	FY 2009	2007-09	2009-11	2011-13
City	56,350		56,350		
County	160,000	103,500	263,500	207,000	207,000
Special District					
TOTAL \$	216,350	103,500	319,850	207,000	207,000
GRAND TOTAL \$					733,850

Part III: Preparation and Approval

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 03/20/2007
Leg. Committee Contact: Lidia Mori	Phone: (360)786-7755	Date: 03/20/2007
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 03/26/2007
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 03/26/2007

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

This bill will create a new avenue of communication from the prosecuting attorney to the Washington State Patrol (WSP), to the Department of Health (DOH) to the medical quality assurance commission.

Section 1 mandates that the prosecuting attorney in each county notify the WSP of all guilty pleas and convictions for "Driving Under the Influence" and "Physical Control of Vehicle Under the Influence."

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This bill creates a path for communication of information for all guilty pleas and convictions for "Driving Under the Influence" (DUI) and "Physical Control of Vehicle Under the Influence" from the prosecuting attorney to notify the WSP, from WSP to DOH, and for DOH to determine whether any physicians need to be examined by the medical quality assurance commission.

SECTIONS OF THE BILL WITH LOCAL FISCAL IMPACT:

FIRST-YEAR COSTS -- It will be necessary to create a new relationship between municipal courts and prosecuting attorney offices in each courthouse. There are 127 municipal courts that will need to deliver information to the 39 county prosecutor's offices. Assuming a week's time for staff to work out the details and create interlocal agreements for the transfer of data for each of the 127 courts, there would be a requirement for 5,080 hours of staff time in the first year. This equates to 2.45 FTE, if each FTE costs approximately \$46,000 including salary and benefits (AWC 2006 salary survey) then the additional staff time would cost \$112,700 for the initial set up of the new program. Because each party will have costs in setting up the system, LGFN is splitting the estimated cost between county government and city government.

ONGOING COSTS -- Assuming each of the nearly 18,000 case records requires 15 minutes to process and forward (AOC fiscal note), there would be a requirement for 4,500 hours of new prosecuting attorney clerk time statewide. This is roughly 2.25 FTE. Each FTE costs approximately \$46,000 including salary and benefits (AWC 2006 salary survey). Thus the additional staff time would cost \$103,500 annually for notification of the WSP.

DISCUSSION:

Section 1 mandates that the prosecuting attorney notify the WSP of all appropriate convictions. It is not clear what the status of DUI conviction information transfer to WSP is at present. WSP receives some DUI information now, these include any convictions linked to felonies, and many that include fingerprint data. The filing system used by WSP requires fingerprint data to function. RCW 43.43.735 requires local law enforcement to submit fingerprint data for all arrests. Fingerprint data is collected at the time of booking. Many DUI arrests are conducted in the field and the offender is released to another party rather than taken to a booking facility. If the offender is subsequently convicted there is no fingerprint data to be forwarded to the WSP. The bill makes the forwarding of this information a responsibility of the prosecuting attorney.

This provision will have a fiscal impact on county government. Currently prosecuting attorneys notify WSP of all felony convictions, but not all gross misdemeanor convictions. According to SGC there were 39,364 charges for DUI and Physical Control in 2006 leading to 17,796 convictions. Seventy-two percent of the charges were filed in district courts, and the remaining 28 percent were filed in municipal courts.

In order for prosecuting attorney staff to fulfill the requirements of Section 1, they will need to create a new mechanism to collect the data from municipal courts, as those cases are handled by city attorneys and not the prosecutor's office.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

None

SOURCES FOR REVENUES AND EXPENDITURES:

Washington State Patrol (WSP) fiscal note

Administrative Office of the Courts (AOC) fiscal note

Thurston County Prosecuting Attorney

Thurston County District Court
Washington Association of Prosecuting Attorneys
AWC annual Salary Survey 2006
Washington State Patrol