

Multiple Agency Fiscal Note Summary

Bill Number: 5066 SB	Title: Blood samples/forensic tests
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Estimated Cash Receipts

Agency Name	2015-17		2017-19		2019-21	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Health	0	58,000	0	45,000	0	46,800
Total \$	0	58,000	0	45,000	0	46,800

Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Health	.5	0	84,000	.2	0	44,000	.2	0	44,000
Total	0.5	\$0	\$84,000	0.2	\$0	\$44,000	0.2	\$0	\$44,000

Estimated Capital Budget Impact

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at

<http://www.ofm.wa.gov/tax/default.asp>

Prepared by: Bryce Andersen, OFM	Phone: (360) 902-0580	Date Published: Final 2/ 9/2015
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 39281

FNS029 Multi Agency rollout

Individual State Agency Fiscal Note

Bill Number: 5066 SB	Title: Blood samples/forensic tests	Agency: 225-Washington State Patrol
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

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: Aldo Melchiori	Phone: (360)786-7439	Date: 01/16/2015
Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 02/06/2015
Agency Approval: Bob Maki	Phone: (360) 596-4045	Date: 02/06/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/06/2015

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 of the proposed legislation adds a new section to Chapter 18.130 RCW Regulation of Health Professions – Uniform Disciplinary Act, stating that it is not professional misconduct for a physician, registered nurse, licensed practical nurse, nursing assistant, physician assistant, first responder, emergency medical technician, health care assistant, or any technician trained in withdrawing blood, to collect a blood sample without a person’s consent when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of a search warrant or exigent circumstances.

Section 2 adds a new section to Chapter 43.70 RCW requiring the secretary of the Department of Health (DOH) to consult with health profession boards and commissions, the Washington State Criminal Justice Training Commission, and the Washington State Patrol (WSP), to establish by rule the administrative procedures and administrative requirements for initial issue, renewal, and reissue of a credential for forensic phlebotomists.

Section 3 adds a new section to Chapter 46.04 RCW that defines a forensic phlebotomist as a police officer, law enforcement officer, or employee of a correctional facility or detention facility who completes a venipuncture training program and who is collecting a blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

Section 5 expands the personnel exempt from civil or criminal liability under 46.61.501 RCW as a result of withdrawing blood to include all those listed in Section 1.

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.

There are no cash receipts associated with this legislation.

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.

We assume that the participation of the WSP in the DOH’s development of rules for forensic phlebotomists as specified in Section 2 of the proposed legislation would have minimal fiscal impact to the agency, and would be absorbed. If this assumption is incorrect and the costs are significant, we would seek additional funding through the legislative process.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

This legislation does not impact our capital budget.

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 rule making is required by the Washington State Patrol as a result of this legislation.

Individual State Agency Fiscal Note

Bill Number: 5066 SB	Title: Blood samples/forensic tests	Agency: 227-Wa St Criminal Justice Train Comm
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Part I: Estimates

☒ **No Fiscal Impact**

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

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: Aldo Melchiori	Phone: (360)786-7439	Date: 01/16/2015
Agency Preparation: Brian Elliott	Phone: 360-486-2436	Date: 02/09/2015
Agency Approval: Brian Elliott	Phone: 360-486-2436	Date: 02/09/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/09/2015

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 2(1) identifies the Washington State Criminal Justice Training Commission as one of the organizations that the secretary of the Dept. of Health will consult with to establish by rule the administrative procedures and administrative requirements for initial issue, renewal, and reissue of a credential for forensic phlebotomists.

This bill has no fiscal impact on the Washington State Criminal Justice Training 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.

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.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

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.

Individual State Agency Fiscal Note

Revised

Bill Number: 5066 SB	Title: Blood samples/forensic tests	Agency: 303-Department of Health
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2016	FY 2017	2015-17	2017-19	2019-21
Health Professions Account-State 02G-1		58,000	58,000	45,000	46,800
Total \$		58,000	58,000	45,000	46,800

Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.7	0.2	0.5	0.2	0.2
Account					
Health Professions Account-State 02G-1	62,000	22,000	84,000	44,000	44,000
Total \$	62,000	22,000	84,000	44,000	44,000

Estimated Capital Budget Impact:

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

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: Aldo Melchiori	Phone: (360)786-7439	Date: 01/16/2015
Agency Preparation: Donna Compton	Phone: (360) 236-4557	Date: 02/09/2015
Agency Approval: Kristin Bettridge	Phone: (360) 236-4530	Date: 02/09/2015
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 02/09/2015

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 adds a section chapter 18.130 RCW, Uniform Disciplinary Act, allowing a law enforcement officer to direct a blood test without consent in specific circumstances. It will not be considered professional misconduct for a physician, registered nurse, licensed practical nurse, nursing assistant, physician assistant, first responder, emergency medical technician, health care assistant or any technician trained in withdrawing blood to collect a blood sample without a person's consent when directed to by a law enforcement officer to do so for the purpose of blood test under the provision of a search warrant or exigent circumstances. Nothing in this section shall relieve the above name health professions from professional discipline arising from the use of improper procedures or from failing to provide the required standard of care.

Section 2: Adds a new section to chapter 43.70 RCW, Department of Health. The Secretary of Health, in consultation with health professional boards and commissions, the Washington State Criminal Justice Training Commission (CJTC), and the Washington State Patrol shall establish by rule the administrative procedures and administrative requirements for initial issue, renewal, and reissue of a credential for forensic phlebotomists. The secretary may, from time to time, extend or otherwise modify the duration of any licensing, certification, or registration period, whether an initial or renewal period, if the secretary determines that it would result in a more economical or efficient operation of state government and the public health, safety, or welfare would not be substantially adversely affected. No license, certification or registration may be issued or approved for a period in excess of four years without renewal. Such extension, reduction or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department adopted in accordance with chapter 34.05 RCW, Administrative Procedures Act. Such rules and regulations may provide a method for imposing and collection such additional proportional fee as may be required for the extended or modified period.

Section 3: Adds the definition of a forensic phlebotomist to chapter 46.04 RCW, Motor Vehicles.

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.

Section 2: Current law, 43.70.250, requires that health professions be fully self-supporting and the collection of sufficient revenue through fees to cover expenditures in the health professions account. Revenue collections will begin in fiscal year 2017.

Using a similar program in the state of Arizona, its population and the number of law enforcement officers, the department estimates Washington has about 30,000 law enforcement officers who would be eligible for the forensic phlebotomist credential after completing training. During the first year of implementation, the department estimates 500 applications in fiscal year (FY) 2017. The department will use the application and renewal rates for Medical Assistant – Phlebotomist since the scope of practice is similar, the renewal period will be two years. The department is estimating a 2 percent application rate the first year, and a renewal rate of 97 percent.

FY 2017 – 500 new applications at \$115 = approx. \$58,000

FY 2018 – 10 new applications at \$115 = approx. \$1,000

FY 2019 – 10 new applications at \$115 = approx. \$1,000
485 renewals at \$90 = approx. \$43,000

FY 2020 – 10 new applications at \$115 = approx. \$1,000
9 renewals at \$90 = approx. \$800

FY 2021 – 10 new applications at \$115 = approx. \$1,000
489 renewals at \$90 = approx. \$44,000

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.

NOTE: All estimates are derived from Health Systems Quality Assurance Workload Staffing Model, that was created and is modified using actual data.

Section 2:

Rulemaking

In FY 2016, there will be one-time costs for 90-day emergency rulemaking due to the impact to multiple agencies and full rule making at the same time. Based on prior experience, it is estimated that emergency rulemaking along with full rule making and will take 12 months to implement. There will be four stakeholder meetings-rule workshops and two formal hearings which will be held at regularly scheduled board meetings at no additional cost. Attorney General time will be two days for rule review and two days for stakeholder meetings and the formal rules hearing. Staff time will include rule writing prep work, travel, coordination of stakeholder meetings and rules hearing. By having stakeholder meetings-rule workshops at different locations throughout the state, it allows stakeholders to participate and provide comments during the rulemaking process. One-time costs will include staff time (HSC4 0.16) and travel for locations outside the Olympia area, board pay and travel, printing \$18,000 and attorney general support \$1,000 for a total of 0.20 FTE and \$19,000.

Credentialing

Sections 2: Starting in FY 2016, there will be costs for 0.20 FTE additional staff \$23,000 (HSC1 0.16; HSC2 0.04; HSC3 0.04) to review and process initial applications, run background checks through the Washington State Patrol (all new applicants) provide technical assistance, and issue certifications and registrations for qualified applicants. The majority of initial applications will be received in FY 2017, which takes more time to process. In subsequent years, the department will process more renewals than initial applications, which take less time. Costs in FY 2017 and ongoing will include staff and associated costs, and one-time equipment costs for a total 0.20 FTE and \$ \$22,000 each year.

Information Technology

Section 2: During FY 2016, Information Technology (IT) staff will be required to implement the new forensic phlebotomist credential. This will include conducting a business analysis, configuration, and testing. Tasks

include establishing credentialing workflows, user defined fields, templates, fee tables, renewals and modification or creation of reports in the department's Integrated Licensing and Regulatory System (ILRS). One-time costs in FY 2017 include IT staff (ITS3 0.06; ITS4 0.05; ITS5 0.04) and associated costs for a total of 0.20 FTE and \$19,000.

Discipline

Forensic Phlebotomist is not included in chapter 18.130 RCW, Uniform Disciplinary Act; therefore, the Secretary of Health has no disciplinary authority, as a result, the department will not have disciplinary costs. Any discipline for sub-standard processes or procedures would take place through the employer-employee relationship at local law enforcement agency.

For the purpose of this fiscal note, the Department of Health estimates the costs to be:

FY16 at 0.70 FTE and \$62,000

FY17 and ongoing at 0.20 FTE and \$22,000.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.7	0.2	0.5	0.2	0.2
A-Salaries and Wages	40,000	14,000	54,000	28,000	28,000
B-Employee Benefits	10,000	4,000	14,000	8,000	8,000
E-Goods and Other Services	11,000	4,000	15,000	8,000	8,000
J-Capital Outlays	1,000		1,000		
Total:	\$62,000	\$22,000	\$84,000	\$44,000	\$44,000

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 2016	FY 2017	2015-17	2017-19	2019-21
Fiscal Analyst 2	45,828	0.1		0.1		
FISCAL TECHNICIAN 2	35,040					
HEALTH SERVICES	45,828	0.2	0.2	0.2	0.2	0.2
CONSULTANT 1 HEALTH SERVICES	54,504					
CONSULTANT 2 HEALTH SERVICES	63,192					
CONSULTANT 3 HEALTH SERVICES	69,756	0.2		0.1		
CONSULTANT 4 Health Svcs Conslt 1	44,712					
INFORMATION TECH SPEC 3	66,420	0.1		0.1		
INFORMATION TECH SPEC 4	73,260	0.1		0.1		
INFORMATION TECH SPEC 5	80,892					
Total FTE's	579,432	0.7	0.2	0.5	0.2	0.2

Part IV: Capital Budget Impact

NONE

None

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.

Section 2: The department will adopt any rules necessary to establish a new forensic phlebotomist.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5066 SB	Title: Blood samples/forensic tests
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: The bill establishes a credentialing process for forensic phlebotomists, but does not require that law enforcement agencies hire for this position or change their existing processes.
- ☐ Key variables cannot be estimated with certainty at this time:

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 01/16/2015
Leg. Committee Contact: Aldo Melchiori	Phone: (360)786-7439	Date: 01/16/2015
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/16/2015
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 01/19/2015

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 2 directs the Department of Health (DOH), the Criminal Justice Training Commission (CJTC), and the Washington State Patrol (WSP) to establish procedures and requirements for credentials for forensic phlebotomists.

Section 3 defines a forensic phlebotomist as a police officer, law enforcement officer, or employee of a correctional facility or detention facility who completed a venipuncture training program and who is collecting a blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

Section 4 amends RCW 46.61.506 to clarify that blood tests can be administered pursuant to a search warrant, exigent circumstances, or a waiver of the warrant requirement.

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.

The legislation would have no expenditure impacts for cities and counties.

The bill would direct DOH, CJTC, and WSP to create a new credentialing process for forensic phlebotomists. Currently, if an individual is suspected of driving under the influence of alcohol or drugs and subject to a blood draw, that blood draw is done at a hospital or clinic. The legislation would allow for a process under which law enforcement agencies could hire or train a forensic phlebotomist, provided that the individual attended training and received a credential. However, this would not be a requirement, and city and county law enforcement agencies would still retain the option to follow their current practices in regards to blood draws. As a local option, the bill would not have cost impacts for cities and counties.

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.

The legislation would have no revenue impact for local government.

SOURCES:

The Washington Association of Sheriffs and Police Chiefs