

Multiple Agency Fiscal Note Summary

Bill Number: 6205 S SB	Title: Long-term care workers
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Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	0	76,000	0	38,000	0	0
Total \$	0	76,000	0	38,000	0	0

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.5	77,000	153,000	.3	38,000	76,000	.0	0	0
Department of Social and Health Services	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Total \$	0.5	77,000	153,000	0.3	38,000	76,000	0.0	0	0

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Robyn Williams, OFM	Phone: (360) 902-0575	Date Published: Final 2/16/2020
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Individual State Agency Fiscal Note

Bill Number: 6205 S SB	Title: Long-term care workers	Agency: 120-Human Rights Commission
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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:	Phone:	Date: 02/05/2020
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 02/05/2020
Agency Approval: Laura Lindstrand	Phone: 360-753-6770	Date: 02/05/2020
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/10/2020

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.

This bill would require a representative of the Human Rights Commission to attend stakeholder workgroup meetings to recommend best practices for training employers, long-term care workers, and clients to keep home care settings free from discrimination and abusive conduct while maintaining the ability for individuals who need services to access needed services or while maintaining the ability to provide services. There would be minimal travel costs for one Human Rights Commission representative to attend these meetings, assuming that meetings are no more often than quarterly, and within 60 miles of Olympia. The agency can absorb these costs.

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

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6205 S SB	Title: Long-term care workers	Agency: 235-Department of Labor and Industries
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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:	Phone:	Date: 02/05/2020
Agency Preparation: Shana J Snellgrove	Phone: 360-902-6408	Date: 02/07/2020
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 02/07/2020
OFM Review: Robyn Williams	Phone: (360) 902-0575	Date: 02/08/2020

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.

This bill requires consumer directed employers and home care agencies to create written policies and prevention plans related to discrimination, harassment, challenging behaviors, and abusive conduct. Covered employers must notify employees when they will work with clients who have engaged in such conduct in the past, or who are suspected to engage in such conduct in the future. Covered employers are required to maintain records related to abusive conduct and discrimination, and must make the records available for inspection by the Department of Labor and Industries (L&I) upon request. The Department of Social and Health Services (DSHS) must convene a workgroup to recommend best practices in the prevention of workplace discrimination and harassment. L&I may conduct investigations and issue citations under Chapter 49.17 RCW, Washington Industrial Safety and Health Act (WISHA).

Section 7 requires DSHS to convene a stakeholder work group to recommend policy changes and best practices for training employers, long-term care workers, and clients to keep home care settings free from discrimination and abusive conduct. L&I is included as providing one representative to this work group. The bill identifies various topics the work group may consider. The work group must submit a report to the Legislature with recommendations for training long-term care workers, agency supervisors, and clients by December 1, 2021.

Section 8 gives L&I discretionary authority to conduct investigations to ensure compliance when information is obtained that a covered employer may be committing a violation or in response to complaints from employees or employee representatives for the following requirements of this bill:

- A written policy as required by section 3 that includes the minimum elements under section 3(2) and is updated annually.
- The written policy is provided to employees in accordance with section 3(1).
- A current plan as required by section 4 that includes the minimum elements under section 4(2).
- The prior notice requirement under section 5(1).
- The recordkeeping and retention requirements required under section 6.
- The retaliation prohibition under section 5(3) upon receipt of a complaint by an employee who believes that he or she was subject to retaliation.

Workers may pursue other remedies or enforcement available under the law. This bill does not authorize L&I to investigate individual allegations of harassment, abuse, or discrimination against employees by recipients of care. A covered employer's failure to comply shall subject the covered employer to a citation under Chapter 49.17 RCW, WISHA.

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.

L&I assumes there will be minimal impact to revenue because L&I already has rules and policies in place for addressing the hazards covered under 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.

L&I will implement the requirements of this bill using existing resources. L&I already has rules and policies in place for addressing the hazards covered under this bill, and would conduct inspections in response to complaints or referrals under those existing rules. Attendance at work group meetings can be done using existing staffing.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6205 S SB	Title: Long-term care workers	Agency: 300-Department of Social and Health Services
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
General Fund-Federal 001-2		76,000	76,000	38,000	
Total \$		76,000	76,000	38,000	

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	1.0	0.5	0.3	0.0
Account					
General Fund-State 001-1	0	77,000	77,000	38,000	0
General Fund-Federal 001-2	0	76,000	76,000	38,000	0
Total \$	0	153,000	153,000	76,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

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:	Phone:	Date: 02/05/2020
Agency Preparation: Mickie Coates	Phone: 360-902-8077	Date: 02/14/2020
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/14/2020
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 02/15/2020

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 – Covered Employer means:

- A Consumer Directed Employer (CDE) as defined in RCW 74.39A.009
- A home care agency as defined in RCW 70.127.010

Section 3 – Beginning July 1, 2021, each Covered Employer must adopt and maintain a comprehensive written policy concerning how the Covered Employer shall address instances of discrimination, abusive conduct, and challenging behavior and work to resolve issues impacting the provision of personal care. The plan must contain any components recommended by the workgroup established in Section 7 of this act.

Section 4 – Beginning July 1, 2021, each Covered Employer shall implement a plan to prevent and protect employees from abusive conduct, to assist employees working in environments with challenging behavior, and work to resolve issues impacting the provision of personal care. The plan should be reviewed and updated as necessary and at least once every three years.

Section 5 – A Covered Employer may not terminate, reduce the pay, or not offer future assignments to an employee for requesting reassignment due to alleged discrimination, abusive conduct, or challenging behavior.

Section 7 – The Department of Social and Health Services (DSHS) must convene a stakeholder work group to recommend policy changes and best practices for training employers, long-term care workers, and service recipients to keep home care settings free from discrimination and abusive conduct.

By December 1, 2021, the work group must submit to the Legislature a report with recommendations for training long-term care workers, agency supervisors, and service recipients in order to prevent discrimination and abusive conduct in the workplace. The report may inform the prevention plans required in section 4 of this act.

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.

A portion of the costs incurred to implement this legislation will be funded with federal Title XIX-Grants to States for Medical Assistance funds.

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.

Under the definitions in this legislation, DSHS is not a Covered Employer. Therefore, DSHS will not be subject to any of the requirements placed on Covered Employers in this bill.

Stakeholder Workgroup

One FTE (WMS2) will be needed to coordinate a very large group of people, including staff in the

Developmental Disabilities Administration, Aging and Long-Term Support Administration, other state agencies, stakeholders, and the provider community. This FTE will be employed from July 1, 2020 through December 31, 2021. This FTE will research, evaluate, provide information to the workgroup, and draft a report on the topics identified in the legislation. This includes:

- Using new employee orientation to emphasize the prevention of discrimination and abusive conduct.
- The extent to which current training content could be modified to cover content within existing hours of required training such as basic, modified basic, and/or continuing education.
- Requiring training about discrimination and abusive conduct for all employees.
- Interactive teaching strategies that engage across multiple literacy levels.
- Factors that are predictive of discrimination and abusive conduct.
- The violence escalation cycle.
- De-escalation techniques to minimize abusive conduct or challenging behavior.
- Strategies to prevent physical harm with hands-on practice or role play.
- How incorporating information on trauma-informed care could improve the effectiveness of training and ensuring continuity of care.
- Best practices for documenting and reporting incidents.
- The debriefing process for affected employees following violent acts.
- Resources available to employees for coping with the effects of violence.
- Best practices for training service recipients on preventing discrimination and abusive conduct in the home care setting.
- Best practices for training direct supervisors on preventing and responding to reports of discrimination and abusive conduct in the home care setting.
- Other policy changes that will reduce discrimination and abusive conduct in the workplace and best prepare employees to work in environments where challenging behavior occurs.
- Other best practices from trainings developed in other states or for other industries to prevent discrimination and abusive conduct in home care settings or the workplace.

The FTE cost is \$128,000 (\$64,000 GF-State) in Fiscal Year 2021 and \$63,000 (\$32,000 GF-State) in Fiscal Year 2022.

One facilitator will be needed to facilitate the meetings of the large work group. Estimated costs to contract for this facilitator is \$25,000 (\$13,000 GF-State) in Fiscal Year 2021 and \$13,000 (\$6,000 GF-State) in Fiscal Year 2022.

Annual costs associated with this bill are estimated as follows:

Fiscal Year 2021: \$153,000 (\$77,000 GF-State)

Fiscal Year 2022: \$76,000 (\$38,000 GF-State)

Indeterminate Costs

Section 5(3) of this bill specifies that a Covered Employer may not terminate, reduce the pay, or not offer future assignments to an employee for requesting reassignment due to alleged discrimination, abusive conduct, or challenging behaviour. Additional costs could be incurred to continue the current wage level for a worker requesting a reassignment but for whom the Covered Employer does not have a client to reassign to the worker. Any such costs incurred will be ineligible for federal funding and will need to be fully paid with GF-State funds.

However, the number of home care workers who will request reassignment and the ability to immediately reassign these workers cannot be estimated. Therefore, these costs are indeterminate.

Sections 3(g) and 4(4) require the plans developed by Covered Employers to incorporate the recommendations of the work group established in Section 7. Depending on the recommendations developed by the work group, additional costs may be incurred. However, until the recommendations are known, these costs cannot be determined.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	77,000	77,000	38,000	0
001-2	General Fund	Federal	0	76,000	76,000	38,000	0
Total \$			0	153,000	153,000	76,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		1.0	0.5	0.3	
A-Salaries and Wages		82,000	82,000	41,000	
B-Employee Benefits		30,000	30,000	15,000	
C-Professional Service Contracts					
E-Goods and Other Services		31,000	31,000	16,000	
G-Travel					
J-Capital Outlays		6,000	6,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		4,000	4,000	4,000	
9-					
Total \$	0	153,000	153,000	76,000	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
WMS2	82,000		1.0	0.5	0.3	
Total FTEs			1.0	0.5	0.3	0.0

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Aging Long Term Services Administration (050)		153,000	153,000	76,000	
Total \$		153,000	153,000	76,000	

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required