

Multiple Agency Fiscal Note Summary

Bill Number: 5304 S SB	Title: Language access/testing
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Social and Health Services	0	0	65,000	0	0	0	0	0	0
Total \$	0	0	65,000	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	.8	231,000	231,000	296,000	.0	0	0	0	.0	0	0	0
Total \$	0.8	231,000	231,000	296,000	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.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: Jason Brown, OFM	Phone: (360) 742-7277	Date Published: Final 2/17/2023
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Individual State Agency Fiscal Note

Bill Number: 5304 S SB	Title: Language access/testing	Agency: 107-Washington State Health Care Authority
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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: Delika Steele	Phone: 3607867486	Date: 02/15/2023
Agency Preparation: Catherine Rice	Phone: 360-725-0000	Date: 02/17/2023
Agency Approval: Carl Yanagida	Phone: 360-725-5755	Date: 02/17/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/17/2023

Part II: Narrative Explanation

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

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

See attached.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

HCA Fiscal Note

Bill Number: SSB 5304

HCA Request #: 23-143

Part II: Narrative Explanation

AN ACT Relating to testing individuals who provide language access to state services.

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

The primary change between the original bill (5304) and this substitute (S-1468.1/SSB5304) is the addition of legislative intent in Section 1 and the mandate in Section 3 for the Department of Social and Health Services to convene a language access work group to study and make recommendations to the legislature regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians.

New Section added: Section 1 “The legislature intends to require that interpreters be able to pass both written and oral certification exams to ensure quality, competent services for all Washingtonians.”

Section 2 (4) (previously Section 1 in the original bill) directs the Department of Social and Health Services (DSHS) to require the successful completion of oral and written tests in accordance with established standards to ensure that all language access providers are fluent in English and a primary non-English language. Testing shall include evaluation of language competence, interpreting performance skills, understanding the interpreter’s role, and knowledge of DSHS policies regarding confidentiality, accuracy, impartiality, and neutrality.

New section added: Section 3 (1) directs DSHS to start a language access work group to study and make recommendations to the legislature regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians. The work group shall hold its first meeting on or before August 1, 2023, and submit its final report on or before December 1, 2023.

Section 3 (2) The work group shall make recommendations necessary to support language access and interpretative services, including (a) criteria necessary to demonstrate that certified language access providers have the skills necessary, (b) strategies for increasing access in rural communities and languages of lesser demand, (c) strategies for workforce workload and compensation, (e) investments needed to implement the plan for online testing described in this section.

Section 3 (3) directs the who is required to be appointed to the work group.

Section 3 (d) directs DSHS to provide support staff to the work group.

Section 3 (4) directs the work group to develop an implementation plan for the online testing system.

Section 3 (5) notes that this section expires June 30, 2024.

II. B - Cash Receipts Impact

None

HCA Fiscal Note

Bill Number: SSB 5304

HCA Request #: 23-143

II. C – Expenditures

The Health Care Authority (HCA) has determined that this bill creates no fiscal impact.

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5304 S SB	Title: Language access/testing	Agency: 110-Office of Administrative Hearings
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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: Delika Steele	Phone: 3607867486	Date: 02/15/2023
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 02/16/2023
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 02/16/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/17/2023

Part II: Narrative Explanation

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

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

No fiscal impact. This legislation will not measurably increase the appeal workload for the Office of Administrative Hearings (OAH).

This legislation doesn't include anything to be appealed to OAH by the Department of Social & Health Services, and OAH isn't included in Section 3's new Language Access Work Group.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

None.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 5304 S SB	Title: Language access/testing	Agency: 300-Department of Social and Health Services
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-Federal 001-2	65,000		65,000		
Total \$	65,000		65,000		

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	0.0	0.8	0.0	0.0
Account					
General Fund-State 001-1	231,000	0	231,000	0	0
General Fund-Federal 001-2	65,000	0	65,000	0	0
Total \$	296,000	0	296,000	0	0

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: Delika Steele	Phone: 3607867486	Date: 02/15/2023
Agency Preparation: Teresa Elliott	Phone: 360-902-8177	Date: 02/17/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/17/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/17/2023

Part II: Narrative Explanation

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

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

Section 3 - Requires the Department of Social and Health Services (DSHS), Language Testing and Certification (LTC) program convene a language access work group. The purpose of the work group is to study and make recommendations to the legislature regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians. The work group shall hold its first meeting on or before August 1, 2023, and shall submit its final report on or before December 1, 2023.

Section 3 (3)(c) DSHS shall select members of the workgroup and shall include individuals described in (3)(c)(i) and (ii). DSHS shall also provide staff support for the workgroup.

Section 3 (3) The remaining members of the work group shall be selected by the department of social and health services and shall include individuals who:

- (i) Are geographically diverse and represent people with a variety of language barriers; and
- (ii) Represent at least the following groups: Interpreters working in medical settings, interpreter unions; families with language access barriers; community-based organizations supporting families with language access barriers; leadership of the department of social and health services; professionals with experience delivering interpreter certification services online; and other parties the department of social and health services deems relevant.

Section 3 (4) The work group shall develop an implementation plan for an online testing system for language access providers. The plan must require candidates to demonstrate written and oral proficiency in both English and another language in accordance with nationally recognized standards and ethics.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

It is assumed that the provisions of this bill would be eligible for federal funding based on the DSHS cost allocation plan for program 110.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The Department of Social and Health Services (DSHS), Language Testing and Certification (LTC) will need three project positions for six months to form a workgroup to study and make recommendations to the legislature regarding interpretive service certification policies and programs for limited and non-English-speaking Washingtonians.

The positions needed are:

IT Architecture – Senior/Specialist – This position will be involved in researching and verifying viable options for the development and implementation strategy of online computer language test systems related to the State of WA networks. They will research options for test platforms, methodologies and standards related to online systems; analyze and present options for hardware, software, web integration, intranet, firewalls, internet connection, servers, and security. They will also research and analyze options for implementing, maintaining, and operating these systems and create customized approach options for systems to meet the requirements of the criteria specified in the bill. They will document design options; backup procedures and data storage and retrieval; data sharing options across the state; risk management and data security for user information; test content and State of Washington data; outstanding user experience options, and other system development

requirements related to the options submitted in the final report to the legislature. This position will work with multiple state departments, county, and local jurisdictions, healthcare settings and professionals, interpreters, and other IT professionals to develop multiple plans to satisfy the bill's current requirements and unexpected/expected extensions into future stages related to the demographic growth of populations of limited English proficient speakers in WA State. This position is essential to perform the technical research to develop options for a long-term system roadmap to satisfy the requirements of this bill.

WMS Band 2 – Project Manager – This position will lead a workgroup that will support this bill's intention to require the successful completion of oral and written tests in accordance with established standards to ensure that all medical interpreters are fluent in English and a primary non-English language, have competent interpreting performance skills, understand the interpreter's role, and has knowledge of the department's requirements regarding confidentiality, accuracy, impartiality, and neutrality. This position will convene a medical interpreter language access workgroup to study and make recommendations to the legislature regarding spoken language medical interpretive service certification policies and programs for limited and non-English speaking Washingtonians. This position will be active from July 1, 2023, to Dec. 31, 2023. This position will ensure the submission of a final report no later than 31 Dec. 2023.

This position will ensure that the final report includes options for addressing the following requirements of this bill:

- Defining the criteria necessary to demonstrate that certified medical interpreters have the interpretation skills necessary to ensure quality and accurate services.
- Strategies for increasing access to medical interpreters in rural communities and for languages of lesser demand.
- Strategies for workforce resiliency including adequate workload and compensation.
- Standards of ethics and professional responsibility.
- Funding needed to implement each of the options submitted for online written and oral language testing and the demonstrated qualifications to ensure access to qualified medical interpreters.

Administrative Assistant 5 – As the administrative staff support for the Medical Interpreter Spoken Language Access Workgroup, this position is responsible for the following:

- Prepares, publishes, and posts agendas, meeting notices and other related materials including assembling workgroup packets, and creating meeting presentations for members of the Workgroup.
- Prepare and disseminate all documents for workgroup meetings.
- Performs complex and diverse administrative support duties for members of the Workgroup.
- Provides members of the Workgroup with information on rules, regulations, parliamentary procedures.
- Attends all meetings of the Workgroup.
- Prepares or edits prepared minutes for regular and special meetings of the Workgroup and its committees and oversees their posting/distribution.
- Implements and maintains a system of filing and indexing for official records and actions of the Workgroup.
- Prepares and edits draft reports by members of the Workgroup using a variety of software applications.
- Obtains, compiles, and organizes information requested by members of the Workgroup on a wide variety of related matters.
- Schedules appointments, meetings, and other commitments for individual members of the Workgroup.
- Processes room requests for the meeting rooms.
- Informs members of the Workgroup of important matters arising in their absence and directs their attention to significant correspondence or matters requiring their attention.
- Drafts and/or edits correspondence such as letters, memoranda, personal acknowledgements, routine reports, and other materials based on verbal instructions or upon own initiative using word processing, spreadsheet, and desktop publishing software.
- Reviews outgoing correspondence, reports, and publications for grammar, sentence structure, format, attachments, continuity of text, and compliance with applicable laws, rules, and procedures related to draft reports.
- Maintains files for the activities of the Workgroup.
- Explains and provides information regarding Workgroup progress, actions, related regulations, policies, and procedures to members, state agencies, representatives of other jurisdictions, and the public.

- Contacts public agencies, public officials, and members of the public on behalf of the members of the Workgroup related to the completion of the required report.
- Maintains the attendance records of the members of the Workgroup.
- Prepares and processes “lived experience” expense reimbursement claims for eligible members of the Workgroup.
- Prepares and processes invoices for interpreters and document, presentation, correspondence, and meeting minutes translators for non-English and limited English proficient speakers.
- Aids attendees on an as needed basis.

The members of the workgroup are statutorily required to include: four members of the legislature, medical interpreters, limited English proficient and non-English speakers, interpreter union members, family members with language access barriers, Community Based Organizations (CBO) supporting families with language access barriers; test development and language access professionals, healthcare professionals, state agency representatives, and other individuals deemed appropriate.

Additional expenditures of \$55,000 for participants and workgroup meeting costs are detailed in the attachment.

The workgroup will develop an implementation plan for an online testing system for language access providers. The plan must require candidates to demonstrate written and oral proficiency in both English and other languages in accordance with nationally recognized standards and ethics.

The work group will hold its first meeting on or before August 1, 2023, therefore, the staff will be hired by July 1, 2023.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	231,000	0	231,000	0	0
001-2	General Fund	Federal	65,000	0	65,000	0	0
Total \$			296,000	0	296,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5		0.8		
A-Salaries and Wages	155,000		155,000		
B-Employee Benefits	51,000		51,000		
C-Professional Service Contracts					
E-Goods and Other Services	65,000		65,000		
G-Travel					
J-Capital Outlays	18,000		18,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	1,000		1,000		
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	6,000		6,000		
9-					
Total \$	296,000	0	296,000	0	0

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 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 5		0.5		0.3		
IT Architecture - Senior/Specialist		0.5		0.3		
WMS Band 2 - Language Developer		0.5		0.3		
Total FTEs		1.5		0.8		0.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative & Support Services (001)	296,000		296,000		
Total \$	296,000		296,000		

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

**Substitute Senate Bill 5304 Language Access Testing
Additional Workgroup Expenditures**

5 participants - lived experience
5 Social Service interpreters
5 document translators
6 hours of meetings per month for participants and interpreters
6 hours of meetings for language specific data gathering
4 hours of homework per month for the participants
4 months of meetings
Communication Access Real-time (CART) services - (captioning) document real time conversation as resources for the final report

5 participants - lived experience

*7 virtual meetings (3 hours/meeting) & 1 in-person meeting (3 hours)	\$40.00 x 24 hours x 5 participants	4,800.00
*2 virtual meetings (3 hours/meeting) - language specific data gathering	\$40.00 x 6 hours x 5 participants	1,200.00
*4 hours of homework per month	\$40.00 x 16 hours x 5 participants	3,200.00

5 Social Service Interpreters

*7 virtual meetings (3 hours/meeting) and 1 in-person meeting (3 hours)		
Video Remote Interpreting Services (\$3.18 for the first 10 min + \$0.64 per min thereafter = \$140.60/meeting)	\$140.60/meeting x 7 meetings x 5 SS interpreters	4,921.00
In-person Interpreting Services (Pay rate - \$46.09 /hr + \$2.00/hr premium = \$48.09)	\$48.09 x 3 hrs x 5 SS interpreters	721.35
*2 virtual meetings (3 hours/meeting) - language specific data gathering		
Video Remote Interpreting Services (\$3.18 for the first 10 min + \$0.64 per min thereafter = \$140.60/meeting)	\$140.60/meeting x 2 meetings x 5 SS interpreters	1,406.00

5 document translators (1 translator per language)

\$0.19 per word		
Meeting minutes: Principal Languages, Normal, est 3 pages (390 words per page)	\$0.19 x 1170 words x 8 meetings x 5 languages	8,892.00
Presentation documents: 8 documents at 3000 words per doc	\$0.19 x 3000 words x 8 meetings x 5 languages	22,800.00
Documents for language specific data gathering meetings: 2 documents at est 3 pages (390 words per page)	\$0.19 x 1170 words x 2 meetings x 5 languages	2,223.00
Homework related documents: 4 assignments x 2 pages (200 words per page) (5 participants - lived experience)	\$0.19 x 400 words x 4 assignments x 5 languages	1,520.00

Communication Access Real-time (CART) services

*7 virtual meetings (3 hours/meeting)	\$120.00/hour x 3 hours x 7 meetings	2,520.00
*2 virtual meetings (3 hours/meeting) - language specific data gathering	\$120.00/hour x 3 hours x 2 meetings	720.00

TOTAL for 4 months 54,923.35

****Notes:**

Video Remote for Social Service Interpreters
\$3.18 per minute for the first ten (10) minutes and \$0.64 per minute for every minute thereafter.
First 10 minutes: \$3.18 x 10 mins = \$31.80
Rest of the time: \$0.64 x 170 mins = \$108.80
Total: \$140.60 per meeting