

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5470 S SB	<b>Title:</b> Lactation consultants
-------------------------------	-------------------------------------

## 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 Health	0	0	9,000	0	0	21,000	0	0	25,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>9,000</b>	<b>0</b>	<b>0</b>	<b>21,000</b>	<b>0</b>	<b>0</b>	<b>25,000</b>

## 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	Fiscal note not available											
Department of Health	.4	146,000	146,000	160,000	.1	0	0	30,000	.1	0	0	14,000
<b>Total \$</b>	<b>0.4</b>	<b>146,000</b>	<b>146,000</b>	<b>160,000</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>30,000</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>14,000</b>

## 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	Fiscal note not available								
Department of Health	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

## Estimated Capital Budget Breakout

NONE

--

**Prepared by:** Breann Boggs, OFM

**Phone:**  
(360) 485-5716

**Date Published:**  
Preliminary 2/21/2023

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5470 S SB	<b>Title:</b> Lactation consultants	<b>Agency:</b> 303-Department of Health
-------------------------------	-------------------------------------	---

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Health Professions Account-State 02G-1		9,000	9,000	21,000	25,000
<b>Total \$</b>		9,000	9,000	21,000	25,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.4	0.4	0.1	0.1
<b>Account</b>					
General Fund-State 001-1	58,000	88,000	146,000	0	0
Health Professions Account-State 02G-1	0	14,000	14,000	30,000	14,000
<b>Total \$</b>	58,000	102,000	160,000	30,000	14,000

### 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: Sandy Stith	Phone: 786-7710	Date: 02/14/2023
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 02/15/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/15/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/15/2023

## 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.*

This substitute expands on Section 2 to state education, clinical training, and experience of licensed midwives and certified nurse midwives may be considered as credit toward lactation consultant certification. The department assumes no change in fiscal impact as a result of this language. Additionally, costs associated with HELMS have been reduced.

The bill creates a new chapter in Title 18 RCW to license lactation consultants.

Section 2: Adds a section setting licensing standards, continuing competency, and continuing education requirements for lactation consultants. Places lactation consultants under the Uniform Disciplinary Act 18.130 RCW.

Section 4: Adds section allowing for out of state lactation consultants to apply without examination if other state has a substantially equivalent scope of practice.

Section 5: Adds section setting scope of practice for lactation consultants.

Section 6: Adds a section allowing military experience to be accepted in place of training requirements.

Section 12: Adds an effective date of January 1, 2024 to section 1 through 7.

### 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.*

Current law, RCW 43.70.250, requires that health professions be fully self-supporting and that sufficient revenue collected through fees to fund expenditures in the Health Professions Account. The calculation of specific fees will happen during rulemaking and a fee proposal presented as part of the rules package.

For the purpose of this fiscal note, an annual license fee is estimated between \$50 and \$70 to cover the regulation of lactation consultants. During the rulemaking process, a fee study will be prepared with proposed fees and provided for stakeholder input. The department will monitor the fund balance and will adjust fees over a six (6) year period to ensure that fees are sufficient to cover all program expenditures. Revenue collection will start January 1, 2025 and renewals paid annually.

The International Board of Lactation Consultant Examiners currently shows 622 certified lactation consultants in Washington. Additionally, the Academy of Lactation Policy and Practice shows 192 members in Washington, members include Certified Lactation Counselor (CLC), Advanced Lactation Consultant (ALC), and Advanced Nurse Lactation Consultant (ANLC). During the 2016 sunrise review on lactation consultants it was determined that 86% of these individuals already hold a health care licenses. Base on this information of 814 consultants/members in Washington state and the certification is optional, the department assumes that 14% (114) of consultants/members will apply in the first year. Due to the education and experience requirements, the department assumes that individuals who don't already meet the requirements will obtain them in the second and third year of the certification being available. Therefore, the department assumes 5% (41) of consultants/members will apply in FY 2025 and FY 2026. Each year thereafter the department assumes a 1% (2) growth rate.

Assumption: Revenue estimates are based on the assumption that the department will receive general fund-state (GFS) in FY 2024 and FY 2025 to implement this bill. If GFS is not appropriated for implementation in FY 2024 and FY 2025, then the fees may range between \$160 and \$210 per certification in order to recover the implementation costs over a six-year

horizon.

Washington Administration Code (WAC) 246-12-020 (3) states the initial credential will expire on the practitioner's birthday, except for faculty or postgraduate education credentials authorized by law. Initial credentials issued within ninety days of the practitioner's birthday do not expire until the practitioner's next birthday. Based on this WAC, the department assumes a standard 25 percent of first year applications will need to renew their license in the first year as their birthday will fall outside of ninety days from issuance of initial credential. Ongoing renewals are based on the professions current renewal rate of the previous year's applications and renewals. Because this is a new profession the department assumes a 98.5% renewal rate.

Estimated revenue for lactation consultants (based on range \$50 - \$70):

FY 2025 - \$9,000 (114 applications & 28 renewals)

FY 2026 - \$9,000 (41 applications & 112 renewals)

FY 2027 - \$12,000 (41 applications & 151 renewals)

FY 2028 - \$11,000 (2 applications & 189 renewals)

FY 2029 - \$14,000 (2 applications & 228 renewals)

## 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.*

### Rulemaking

Section 2, 4, 5, 6: The department will develop and adopt rules to establish the certified lactation consultant program. The department anticipates utilizing a team of subject matter experts to implement this bill. This team will consist of the program manager and a community engagement specialist to reach disadvantaged communities and engage them in the rulemaking process. Based on the department's experience establishing health care professions, the department anticipates rulemaking to be complex. Complex rulemaking will require a rules project coordinator to support subject matter experts and ensure timely completion of rulemaking. This process will include three stakeholder meetings as well as one formal rules hearing, all held virtually, and will take approximately 18 months to complete. The department anticipates providing the rules hearing announcement and materials in both English and Spanish and providing ASL and Spanish interpretation services at the rules hearing.

Costs include staff, associated expenses (including goods and services, travel, intra-agency, and indirect charges), and Office of Attorney General support in the amount of \$9,000.

FY 2024 costs will be 0.4 FTE and \$54,000 (GF-S)

FY 2025 costs will be 0.2 FTE and \$29,000 (GF-S)

### Health Technology Solutions (HTS)

Section 2: Configuration in department's Healthcare Enforcement and Licensing Modernization System will require 220 hours from the integration vendor at a rate of \$262.50 per hour. Work will include the initial vendor configuration and agency staff time for ongoing maintenance of a new credential and application as well as updating a report and support.

FY 2025, costs will be \$59,000 (GF-S)

FY 2026 and ongoing, costs will be 0.1 FTE and \$7,000 (02G-1)

### Office of Customer Service

Section 2: This bill requires additional staff to review and process initial applications, run background checks through the Washington State Patrol (all new applicants) provide technical assistance, and issue certifications for qualified applicants. In subsequent years, the department will process more renewals than initial applications which typically take less time but will increase total workload due to volume. There is also impact to customer services operations, call center, revenue, renewal, and public disclosure units as a result of the increase in applications and renewals.

FY 2024, costs will be \$4,000 (GF-S).  
 FY 2025, costs will be 0.2 FTE and \$14,000 (02G-1)  
 FY 2026, costs will be 0.1 FTE and \$8,000 (02G-1)  
 FY 2027, costs will be 0.1 FTE and \$8,000 (02G-1)

Office of Investigation and Legal Services (OILS)

Section 2: Based on the departments experience, one to three complaints relating to unlicensed practice associated with this new certification are anticipated. Given the nature of the anticipated complaints the department does not expect a substantial fiscal impact.

Costs to implement this bill:

FY 2024 – 0.4 FTE and \$58,000 (GF-S)  
 FY 2025 – 0.4 FTE and \$88,000 (GF-S) and \$14,000 (02G-1)  
 FY 2026 – 0.1 FTE and \$15,000 (02G-1)  
 FY 2027 – 0.1 FTE and \$15,000 (02G-1)  
 FY 2028 and ongoing – 0.1 FTE and \$7,000 (02G-1)

**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	58,000	88,000	146,000	0	0
02G-1	Health Professions Account	State	0	14,000	14,000	30,000	14,000
<b>Total \$</b>			58,000	102,000	160,000	30,000	14,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.4	0.4	0.1	0.1
A-Salaries and Wages	34,000	26,000	60,000	20,000	10,000
B-Employee Benefits	13,000	9,000	22,000	6,000	2,000
C-Professional Service Contracts		59,000	59,000		
E-Goods and Other Services	9,000	6,000	15,000	4,000	2,000
T-Intra-Agency Reimbursements	2,000	2,000	4,000		
<b>Total \$</b>	58,000	102,000	160,000	30,000	14,000

**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
Fiscal Analyst 2	53,000	0.1	0.1	0.1		
HEALTH SERVICES CONSULTANT 4	82,896	0.2	0.2	0.2	0.1	0.1
MANAGEMENT ANALYST 4	82,896	0.1	0.1	0.1		
<b>Total FTEs</b>		0.4	0.4	0.4	0.1	0.1

**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.*

Sections 2, 4, 5, 6: The department will adopt rules as necessary to implement this bill.