

Multiple Agency Fiscal Note Summary

Bill Number: 5278 E 2S SB	Title: Home care aide certification
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Estimated Cash Receipts

NONE

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
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	2.1	953,000	953,000	953,000	2.1	1,564,000	1,564,000	1,564,000	.7	604,000	604,000	604,000
Total \$	2.1	953,000	953,000	953,000	2.1	1,564,000	1,564,000	1,564,000	0.7	604,000	604,000	604,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.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

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Individual State Agency Fiscal Note

Bill Number: 5278 E 2S SB	Title: Home care aide certification	Agency: 300-Department of Social and Health Services
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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: Monica Fontaine	Phone: 3607867341	Date: 03/09/2023
Agency Preparation: Mitchell Close	Phone: 3600000000	Date: 03/14/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 03/14/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/14/2023

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 Health (DOH) to work in consultation with the Department of Social and Health Services (DSHS) to collect data over home care aid certification, including (a) devising a system that reduces delays between training and testing; (b) examining existing challenges related to a lack of testing sites and developing a plan, including an estimation of costs, to expand testing sites; (c) establishing performance measures and data collection criteria to monitor the overall length of time between training and testing and the number of available test sites; (d) establishing accountability mechanisms for the overall training to testing process; and (e) establishing performance-based contracts for vendors who administer the tests. DOH, in consultation with DSHS, must then submit a preliminary report to the governor and legislature by June 30, 2024, and a final report by December 31, 2024.

This substitute bill revises some of the home care aide certification examination requirements, administered or supervised by DOH. With DOH driving the study and reporting and DSHS serving as a consultant for DOH, DSHS can utilize existing staff and resources for this legislation with no fiscal impact.

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.

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.

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.

Current rules related to basic training in both 388-71 WAC and 388-112A WAC would need to be amended.

Individual State Agency Fiscal Note

Bill Number: 5278 E 2S SB	Title: Home care aide certification	Agency: 303-Department of Health
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.1	2.1	2.1	2.1	0.7
Account					
General Fund-State 001-1	466,000	487,000	953,000	1,564,000	604,000
Total \$	466,000	487,000	953,000	1,564,000	604,000

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: Monica Fontaine	Phone: 3607867341	Date: 03/09/2023
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 03/14/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 03/14/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/14/2023

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 engrossed second substitute version of this bill adds in section 2(4) a requirement that all examinations shall be available to be administered in the preferred language for the applicant taking the examination. The department assumes there will be a change in fiscal impact as a result of this requirement.

Section 2(2): The Department of Health (department), in consultation with consumer and worker representatives, shall either prepare, grade, and administer, or determine the nature of and supervise the grading and administration of, a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently.

Section 2(3): Restores from the original bill the examination or series of examinations shall include both a skills demonstration and a written or oral knowledge test. Adds tests may be administered throughout training, on the last day of training, or after a student's formal training. Adds the examination or series of examinations must be conducted at local testing sites around the state and reducing travel times for applicants by the department exploring alternative testing options such as remote testing.

Section 2(4): Adds all examinations shall be conducted by fair and wholly impartial methods. Adds a certification examination may not be conducted by an employer of long-term care workers unless the employer is an approved community instructor and has met the department standards for administering the examination. Adds all examinations administered will be available in the preferred language for the applicant taking the examination.

Section 3: The department, in consultation with the department of social and health services (DSHS) and other relevant participants, shall devise a system to reduce time between training and testing, integrate testing into training, train and test at the same location, expand access to test sites, schedule tests during training, and allow remote testing within home care aide testing programs or shortly after program completion.

The department in consultation with DSHS shall submit to the governor and the appropriate legislative committees a preliminary report no later than June 30, 2024 and final report no later than December 31, 2024.

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 (License fees for professions, occupations, and businesses.) requires that the health professions administered by the Department of Health (department) be fully self-supporting and that enough revenue be collected through fees to fund the cost of administering the program. Currently the Home Care Aide program has a negative fund balance of (\$6,741,000). Costs to implement this bill will further draw down the program's fund balance and increase the fee adjustment needed for the program to regain a positive fund balance. Should GF-S not be provided the department will conduct another fee study and costs associated with implementing this bill will be considered when setting the fee.

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.

Assumption: Based on the new requirements in the bill requiring the department to consider remote testing, additional testing locations, and testing within home care aid programs the department will be looking at new models and will need to put out a

request for proposal. As a result, the department assumes that it will create a new exam in the second year. The department does not assume that it will administer the newly created exam and therefore costs associated with administering this exam are not included in this fiscal note.

Assumption: The department assumes the work required in this bill will be funded by General-Fund State to avoid adding to the current negative fund balance for the Home Care Aide program.

Rulemaking

Section 2: The department will develop and adopt rules to implement changes identified during community engagement activities conducted during FY 2024. The department anticipates rulemaking to start in mid FY 2025 and 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 identify underreached communities and engage them in the rulemaking process. Based on the department's experience with this profession, 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 rule package is extended to identify specific groups who have previously had access barrier to engage with the department as well as giving the department the ability to expand community engagement and conduct additional workshops and listening sessions. This process will include six meetings with interested parties 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 and Office of Attorney General (OAG) support in the amount of \$9,000.

Staff costs associated with rulemaking work are included in program implementation and administration work below. Therefore, translation, interpretation, and OAG services are the only costs identified.

FY 2025 costs will be \$3,000 (GF-S)

FY 2026 costs will be \$8,000 (GF-S)

Program Implementation and Administration

Section 2 and 3: The department, in consultation with DSHS, assumes the first year of work in FY 2024 will be dedicated to community engagement, research, and information gathering to ensure all requirements specified in this bill are met. Additionally, the department, in consultation with DSHS, will write up and submit to the governor and the appropriate legislative committees a preliminary report no later than June 30, 2024 and a final report no later than December 31, 2024 that includes a summary of the work conducted in accordance with the requirements specified in section 3(1) of this bill and any recommendations for improvement. The department intends to hire an implementation manager to conduct this work and ensure this work is completed on time.

Section 3 creates a system between training and testing that will make it more efficient and available for home care aide applicants to get their certification. The department assumes work on rulemaking will start July 1, 2025 immediately following the final report and will go through FY 2026. During this period the department's work will be dedicated to rulemaking (as identified in the rulemaking section) and implementing recommended changes identified in the report. The department anticipates a large portion of this work will focus on a new certification exam. Based on the department's experience with this profession and this type of work, the department believes this work will take a minimum of one year to develop and implement. Once the exam is implemented, the department believes that additional work in FY 2027 will be dedicated to finishing rulemaking and monitoring exam results and engaging the community to measure impact against intended outcomes and adjust efforts as needed based on information gathered.

In addition to the implementation manager, the department believes it will need to increase staff time dedicated to engaging

the community, supporting report writing and reviewing, examination coordination and implementation, as well as the continued monitoring of the new exam process as the subject matter expert.

Section 2(4) states the examination shall be administered in the applicant’s preferred language and the department assumes payment will be made for individual interpreters. The department currently provides this service on a limited basis through a pilot program, however this bill makes providing individual interpretation a requirement and therefore the department assumes an increase in requests. Additionally, this profession recently ended pandemic waivers that extended the time frame to complete training and take the exams therefore the department assumes an increase in requests. Based on pre-pandemic interpretation service expenses for this program the department assumes individual interpreter costs of \$210,000 each year starting in FY 2024.

- FY 2024, costs will be 2.1 FTE and \$466,000 (GF-S)
- FY 2025, costs will be 2.1 FTE and \$465,000 (GF-S)
- FY 2026, costs will be 2.1 FTE and \$465,000 (GF-S)
- FY 2027, costs will be 2.1 FTE and \$465,000 (GF-S)
- FY 2028 and ongoing, costs will be 0.7 FTE and \$302,000 (GF-S)

New Examination

The department anticipates creating a new examination in FY 2026 based on community engagement conducted in the prior year. Based on an estimate received in 2016 from our current vendor to create a new exam plus 24% inflation.

FY 2026, costs will be \$626,000 (GF-S)

Health Technology Solutions (HTS)

Section 6: Implementation of this bill will require the department to modify the Healthcare Enforcement and Licensing Modernization Solution (HELMS). To accomplish this work, the department will require 56 hours of one-time technical consultation from the product vendor at a rate of \$262.50 per hour for a total of \$15,000. Costs include staff, associated expenses (including goods and services, intra-agency, and indirect charges), and vendor charges. HTS work will include configuration of the new credential for an exam, creation of a new application, and support.

FY 2025 costs will be \$19,000 (GF-S)

TOTAL COST TO IMPLEMENT THE PROGRAM:

- FY 2024: 2.1 FTE and \$466,000 (GF-S)
- FY 2025: 2.1 FTE and \$487,000 (GF-S)
- FY 2026: 2.1 FTE and \$1,099,000 (GF-S)
- FY 2027: 2.1 FTE and \$465,000 (GF-S)
- FY 2028 and ongoing: 0.7 FTE and \$302,000 (GF-S)

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	466,000	487,000	953,000	1,564,000	604,000
Total \$			466,000	487,000	953,000	1,564,000	604,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.1	2.1	2.1	2.1	0.7
A-Salaries and Wages	167,000	173,000	340,000	342,000	122,000
B-Employee Benefits	62,000	64,000	126,000	126,000	44,000
C-Professional Service Contracts	210,000	225,000	435,000	1,041,000	420,000
E-Goods and Other Services	10,000	14,000	24,000	33,000	10,000
G-Travel					
J-Capital Outlays	6,000		6,000		
T-Intra-Agency Reimbursements	11,000	11,000	22,000	22,000	8,000
Total \$	466,000	487,000	953,000	1,564,000	604,000

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	0.4	0.4	0.4	0.4	0.1
HEALTH SERVICES CONSULTANT 4	82,896	1.0	1.0	1.0	1.0	
Health Svcs Conslt 1	53,000	0.2	0.2	0.2	0.2	0.1
REGULATORY ANALYST 3	93,840	0.5	0.5	0.5	0.5	0.5
Total FTEs		2.1	2.1	2.1	2.1	0.7

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: The department will adopt rules in Title 246.980 WAC (Home Care Aide Rules) as necessary to implement this bill.