

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5440 E 2S SB AMH CRJ H1783.1	<b>Title:</b> Competency evaluations
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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 Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	0	0	11,519,000	0	0	25,782,000	0	0	25,824,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>11,519,000</b>	<b>0</b>	<b>0</b>	<b>25,782,000</b>	<b>0</b>	<b>0</b>	<b>25,824,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

## 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
Administrative Office of the Courts	Fiscal note not available											
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	Fiscal note not available											
Department of Licensing	.0	0	0	47,000	.0	0	0	0	.0	0	0	0
Department of Licensing	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Social and Health Services	64.3	31,308,000	31,308,000	42,827,000	94.7	56,122,000	56,122,000	81,904,000	147.3	66,768,000	66,768,000	92,592,000
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.											
Department of Children, Youth, and Families	Fiscal note not available											
<b>Total \$</b>	<b>64.3</b>	<b>31,308,000</b>	<b>31,308,000</b>	<b>42,874,000</b>	<b>94.7</b>	<b>56,122,000</b>	<b>56,122,000</b>	<b>81,904,000</b>	<b>147.3</b>	<b>66,768,000</b>	<b>66,768,000</b>	<b>92,592,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	Fiscal note not available								
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	31,000,000	31,000,000	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>31,000,000</b>	<b>31,000,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

### Estimated Capital Budget Breakout

NONE

Agency Name	2023-25		2025-27		2027-29	
	Total		Total		Total	
Construction	28,000,000		0		0	
Predesign/Design	3,000,000		0		0	
<b>Total \$</b>	<b>31,000,000</b>		<b>0</b>		<b>0</b>	

<b>Prepared by:</b> Breann Boggs, OFM	<b>Phone:</b> (360) 485-5716	<b>Date Published:</b> Preliminary 4/ 4/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5440 E 2S SB AMH CRJ H1783.1	<b>Title:</b> Competency evaluations	<b>Agency:</b> 056-Office of Public Defense
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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: Edie Adams	Phone: 360-786-7180	Date: 03/30/2023
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 04/03/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 04/03/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 04/03/2023

## 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.*

Engrossed Second Substitute Senate Bill 5440 as amended by the House Civil Rights and Judiciary Committee relates to competency evaluation and restoration services for persons charged with crimes.

The bill does not impact the Washington State Office of Public Defense (OPD), which does not provide public defense services for criminal defendants at the trial level. Local governments are responsible for public defense services for criminal defendants at the trial level, including those undergoing competency evaluation and restoration services.

### 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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5440 E 2S SB AMH CRJ H1783.1	<b>Title:</b> Competency evaluations	<b>Agency:</b> 240-Department of Licensing
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
Highway Safety Account-State 106 -1	47,000	0	47,000	0	0
<b>Total \$</b>	47,000	0	47,000	0	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:

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- 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: Edie Adams	Phone: 360-786-7180	Date: 03/30/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 03/31/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 03/31/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 04/01/2023

## 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 fiscal note

### 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 fiscal note

### 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 fiscal note

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	47,000	0	47,000	0	0
<b>Total \$</b>			47,000	0	47,000	0	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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	47,000		47,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	47,000	0	47,000	0	0

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

**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

Agency 240 – Department of Licensing

Bill Number: 5440 E2SSB      Bill Title: Competency evaluations  
 AMH CRJ H1783.1

**Part 1: Estimates**

**No Fiscal Impact**

**Estimated Cash Receipts:**

**INDETERMINATE; PLEASE SEE NARRATIVE**

**Estimated Expenditures:**

**PARTIALLY INDETERMINATE, PLEASE SEE NARRATIVE**

	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	-	-	-	-	-

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	47,000	-	47,000	-	-
<b>Account Totals</b>		<b>47,000</b>	<b>-</b>	<b>47,000</b>	<b>-</b>	<b>-</b>

*The revenue 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 the fiscal impact is **less than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- 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.
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Edie Adams	Phone: (360) 786-7180	Date: 3/30/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 3/31/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	5440 E2SSB AMH CRJ H1783.1

## **Part 2 – Explanation**

This bill revolves around providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement.

**5440 E2SSB AMH CRJ H1783.1 compared to E2SSB 5440:** 5440 E2SSB AMH CRJ H1783.1 establishes effective dates for components of the bill relevant to the department. These changes do not impact the department's fiscal note.

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

Section 3 amends RCW 10.77.060 to include a new subsection stating that if the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to prohibit the defendant from driving during the pendency of the competency evaluation.

Section 6 amends RCW 10.77.084 to add that beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the court may order revocation of the defendant's driver's license for a period of one year.

Section 6 also adds a new subsection that states beginning October 1, 2023, if the defendant's driver's license is revoked under subsection (1)(a) of this section, and the court subsequently finds that the defendant's competency has been restored, the court must vacate the revocation order for the driver's license made under this section. The court may vacate the revocation of the defendant's driver's license before the end of one year for good cause upon the petition of the defendant.

Section 7 amends RCW 10.77.086 to address defendants charged with a felony that is not a qualifying Class C felony, and that the defendant is determined to be incompetent. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030 or a felony version of a serious traffic offense, the court may order revocation of the defendant's driver's license for a period of one year. The court must vacate this revocation order if the defendant is restored to competency and may vacate the revocation order at any time before the end of one year for good cause upon the petition of the defendant.

Section 8 amends RCW 10.77.088 to address defendants charged with a nonfelony that is a serious offense under RCW 10.77.092, and that the defendant is determined to be incompetent. Beginning October 1, 2023, if the defendant is charged with a serious traffic offense under RCW 9.94A.030 the court must order revocation of the defendant's driver's license for a period of one year. The court shall vacate this revocation order if the defendant is restored to competency and may vacate the revocation order at any time before the end of one year for good cause upon the petition of the defendant.

Section 18 is an emergency clause applicable to sections 6 through 8.

### **2.B - Cash receipts Impact**

The cash receipts impact of this bill is indeterminate. This bill adds a stipulation that an individual's driver license may be revoked due to a serious traffic offense under RCW 9.94A.030, or a felony version

of a serious traffic offense, and may be prohibited from driving subject to competency evaluation. The potential impact for the Department of Licensing (DOL) would be around the number of driver license reinstatements, but it is not known how many there might be under this new circumstance in the courts at the \$75 fee.

The bill further stipulates that "If the defendant's driver's license is revoked under subsection (1)(a) of this section, and the court subsequently finds that the defendant's competency has been restored, the court shall vacate the revocation order for the driver's license made under this section. The court may vacate the revocation of the defendant's driver's license before the end of one year for good cause upon the petition of the defendant." If the court vacates the revocation, there would not be a need for driver license reinstatement or \$75 fee associated with it. It is not known how many of the driver license revocations by the court might be vacated for this reason.

## **2.C – Expenditures**

Operational expenditure impacts are indeterminate. DOL assumes that a Hearings Examiner 3 would be required to manage the workload increase associated with due process. Legal Assistant 2 support staff would move the competency evidence through case management and communicate with drivers on this new case type. Impacts to driver records management is also subject to the volume of events. Driver records are primarily managed by Customer Service Specialist 2 (CSS2) positions.

However, it is not possible, without additional information regarding the frequency of serious traffic offense charges raised in court, to know precisely how much additional workload the bill will generate. DOL will monitor activity volumes, assess capacity, and request additional resources in a future budget cycle as needed.

### **Information Services:**

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	11,300	-	-	-	-	-	11,300
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	3,300	-	-	-	-	-	3,300
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	2,900	-	-	-	-	-	2,900
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	1,700	-	-	-	-	-	1,700
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	18,600	-	-	-	-	-	18,600
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	4,500	-	-	-	-	-	4,500
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	4,200	-	-	-	-	-	4,200
<b>Totals</b>			<b>46,500</b>	-	-	-	-	-	<b>46,500</b>

What DOL will implement:

1. Modify the online service used by courts to order a driver's license suspension/immediate revocation based on competency concerns from the court.
2. Modify the online service to reinstate the driver's license suspension/revocation order as well upon notification from the court, or at the end of the 1-year period.
3. Letter changes to the to notify the customer their license has been revoked.

### Part 3 – Expenditure Detail

#### 3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	47,000	-	47,000	-	-
<b>Account Totals</b>		<b>47,000</b>	<b>-</b>	<b>47,000</b>	<b>-</b>	<b>-</b>

#### 3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	47,000	-	47,000	-	-
<b>Total By Object Type</b>	<b>47,000</b>	<b>-</b>	<b>47,000</b>	<b>-</b>	<b>-</b>

### Part 4 – Capital Budget Impact

None.

### Part 5 – New Rule Making Required

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5440 E 2S SB AMH CRJ H1783.1	<b>Title:</b> Competency evaluations	<b>Agency:</b> 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	2,104,000	9,415,000	11,519,000	25,782,000	25,824,000
<b>Total \$</b>	2,104,000	9,415,000	11,519,000	25,782,000	25,824,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	61.7	66.9	64.3	94.7	147.3
<b>Account</b>					
General Fund-State 001-1	10,805,000	20,503,000	31,308,000	56,122,000	66,768,000
General Fund-Federal 001-2	2,104,000	9,415,000	11,519,000	25,782,000	25,824,000
<b>Total \$</b>	12,909,000	29,918,000	42,827,000	81,904,000	92,592,000

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

### Estimated Capital Budget Impact:

	2023-25		2025-27		2027-29	
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Predesign/Design	3,000,000	0	0	0	0	0
Construction	0	28,000,000	0	0	0	0
Grants/Loans	0	0	0	0	0	0
Staff	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Total \$</b>	3,000,000	28,000,000	0	0	0	0

*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.*

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- 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: Edie Adams	Phone: 360-786-7180	Date: 03/30/2023
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 04/03/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 04/03/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 04/04/2023

## 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.*

E2SSB 5440 will have an indeterminate fiscal impact to the Department of Social and Health Services (DSHS) as this bill relates to procedures and standards to ensure Trueblood class members receive timely and appropriate evaluation and restoration competency services.

Section 3(6) Adds language that if an individual is found not competent due to an intellectual or developmental disability, they shall be referred by Behavioral Health Administration (BHA) to the Developmental Disabilities Administration (DDA) for review of eligibility and services.

Section 5(3)(c) adds that Forensic Navigators will assess the individual for assisted outpatient treatment.

Section 5(3)(e) Requires the forensic navigators to provide regular updates to the court and parties of participation in diversion services and be responsive to inquiries about treatment status.

Section 5(3)(g) Adds requirements that DSHS notifies and coordinates with Native American and Alaska Natives tribes, and Indian Health care providers regarding defendant's competency/forensic navigator services related involvement and to ensure that services are coordinated appropriately as soon as possible.

Section 6(1)(c) The court's order for inpatient restoration, shall specify whether the department has the authority to change the defendant's placement to a step-down facility or outpatient competency restoration program if the department determines that such placement is clinically appropriate given the defendant's progress in restoration services.

New Section 9. Increases the eligibility of clients for navigator services to include those who have qualifying class C felony or misdemeanor charges and have had two or more competency evaluations in the preceding 24 months.

New Section 11. Requires BHA to reimburse jails and juvenile detention facilities for the cost of any drugs that they do not have available that they must continue to prescribe.

New Section 12. Directs DSHS to develop a program for individuals who have been involved with the criminal justice system and who are diagnosed with a developmental disability or dementia disorder, subject to the availability of funds appropriated for this specific purpose.

New Section 15. States that jails shall allow access to DSHS BHA to provide services to individuals who are referred for competency restoration through clinical intervention specialists.

New Section 16. Directs DSHS to collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

New Section 17. Directs DSHS to coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

### 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.*

Federal: 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

*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.*

### Behavioral Health Administration (BHA)

#### Indeterminate Cost Impacts

##### Section 5

3(e) Requires the Forensic Navigators to provide regular updates to the court and parties of participation in diversion services and be responsive to inquiries about treatment status. Depending on the number of requests, this could increase Navigator workload. No costs are assumed at this time and if additional staff are needed, funding will be requested through the budget development process.

##### Section 11

Requires BHA to reimburse jails and juvenile detention facilities for the cost of any drugs that they do not have available that they must continue to prescribe. It is unknown what jails if any BHA would need to reimburse. For cost illustration if BHA had to reimburse multiple jails additional staffing would be needed to ensure tracking of data, payments, and contracts. This would require at a minimum a Management Analyst, Fiscal Analyst, and Contract Specialist. The average cost for medications at the state hospital is \$6,177 annually.

##### Section 12

This section creates a new program for individuals who have been diagnosed with a developmental disability or dementia order who has been involved with the criminal justice system. This will require support staff to track referrals and act as a liaison with the Developmental Disabilities Administration (DDA). It is assumed additional funding is not required if full funding is provided in the 2023-25 biennial enacted budget for rec sum item EV1 – Competency Evaluations. If funding is not provided, additional support staff will be needed to do this work.

##### Section 15

States that jails shall allow access to DSHS BHA to provide services to individuals who are referred for competency restoration through clinical intervention specialists. A clinical intervention team would provide enhanced oversight, monitoring and support individuals within jails who have been referred for services related to competency.

It is indeterminate how many jails/counties would need intervention specialists. For cost illustration each location/region (depending on jail size) that came online would require additional BHA staffing:

- 1.0 – Psychiatrist 4
- 1.0 – Psychologist 4
- 1.0 – Psychiatric Social Worker
- 1.0 – Administrative Assistant

The cost per fiscal year would be \$849,000 with one-time start up needs of \$24,000.

##### Section 17

Additional funding will be needed if the intent of this legislation is that DSHS BHA coordinate with internal and external stakeholders to identify locations to treat clients who have been committed for competency evaluations, civil conversion, or treatment following acquittal by reason of insanity. Four staff would be needed to identify potential locations, evaluate sites, and work with internal and external entities. The following staff would be needed:

- 1.0 – Siting Manager
- 1.0 – Communication Consultant



- 1.0 – Capital Programs Manager
- 1.0 – Administrative Assistant

The cost per fiscal year would be \$630,000 with one-time start up needs of \$24,000.

Determinate Fiscal Impact

Section 3

(6) adds language that if an individual is found not competent due to an intellectual or developmental disability, they shall be referred by BHA to DDA for review of eligibility and services. Data collection and reporting specific to DDA enrollment and tracking will need to be added to the Forensic Data System (FDS).

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.25 - IT Project Management – Senior
- 0.25 - IT Business Analyst – Senior
- 1.0 - IT App Development – Senior

FY2024 – 1.5 FTE’s and \$240,000

FY2025 – 1.5 FTE’s and \$246,000

2023-25 Total Impact 1.5 FTE’s & \$486,000

Section 5

3(g) adds requirements that DSHS notifies and coordinates with Native American and Alaska Natives tribes, and Indian Health care providers regarding defendant's competency/forensic navigator services related involvement and to ensure that services are coordinated appropriately as soon as possible. Data collection and reporting specific to Native American and Alaska Natives tracking will need to be added to FDS and Navigator Case Management System (NCM).

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.17 - IT Project Management – Senior
- 0.17 - IT Business Analyst – Senior
- 0.5 - IT App Development – Senior

FY2024 – 0.8 FTE’s and \$133,000

FY2025 – 0.8 FTE’s and \$137,000

2023-25 Total Impact 0.8 FTE’s & \$270,000

Section 6

Creates new workflow, data collection and reporting step down processes that will need to be added to FDS.

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.25 - IT Project Management – Senior
- 0.25 - IT Business Analyst – Senior
- 0.5 - IT App Development – Senior

FY2024 – 1.0 FTE’s and \$159,000

FY2025 – 1.0 FTE’s and \$164,000

2023-25 Total Impact 1.0 FTE’s & \$323,000

Section 9

Increases the eligibility of clients for navigator services to include those who have misdemeanor charges and have had two

or more competency evaluations in the preceding 24 months. The navigator's role under this subsection will be to engage and assess clients for diversion prior to the 10.77 competency evaluation being signed. They are required to meet with, interview, and observe the individual and complete a recommended diversion plan. If enrolled into the program, the navigator will provide monthly status updates to the court and report disengagement of the person from diversion. Navigators will work with the individual for up to six months in this program.

The fiscal estimate is based on the number of individuals who meet the criteria in the current counties where forensic navigator services are provided and includes those counties proposed in Phase 3 of the Trueblood Settlement Agreement.

Fiscal Impact (No phase in is assumed)

FY2024 – 40.5 FTE's and \$6,321,000

FY2025 – 40.5 FTE's and \$6,228,000

2023-25 Total Impact 40.5 FTE's & \$12,659,000

FY2026 – 40.5 FTE's and \$6,228,000

FY2027 – 40.5 FTE's and \$6,228,000

2025-27 Total Impact 40.5 FTE's & \$12,456,000

System changes will need to be made to NCM to include new workflow, data collection, and reporting specifically to misdemeanor charges and competency evaluations.

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.17 - IT Project Management – Senior
- 0.17 - IT Business Analyst – Senior
- 0.5 - IT App Development – Senior

FY2024 – 0.8 FTE's and \$133,000

FY2025 – 0.8 FTE's and \$137,000

2023-25 Total Impact 0.8 FTE's & \$270,000

Navigator Program Assumptions

1. The number of clients is based on the following criteria:

- a. Individuals are considered eligible for Forensic Projects for Assistance in transition from Homelessness (F-PATH) if they had two or more evaluation orders signed in the past 24 months on different dates for different cause numbers.
- b. Clients with a Misdemeanor Evaluation Order who are eligible for F-PATH with an In-Jail Status for FY2022 and are unduplicated by fiscal year within each county.
- c. Includes only individuals with an "in-jail" client status at some point while they were waiting for competency services.
- d. Phase 1 counties consist of Adams, Clark, Ferry, Klickitat, Lincoln, Pend Oreille, Pierce, Skamania, Spokane, and Stevens.
- e. Phase 2 consists of King County
- f. Phase 3 counties consist of Thurston, Mason, Clallam, Jefferson, and Kitsap.

2. Of the total number of clients eligible it is assumed that 56.5 percent will receive navigator services based on the number used previously to calculate impacts to the Navigator program. We will update the fiscal projection based on the number of clients served after the first full year of implementation.

3. Staffing assumptions are based on the following ratios to determine the fiscal impact:

- a. Navigator caseload is 25:1
- b. One Office Assistant for every nine Navigators

- c. Two Forms and Records Analysts for every nine Navigators
- d. One IT Customer Service – Entry for every nine Navigators
- e. One Forensic Navigator Supervisor and Administrative Assistant 3 for every nine Navigators

4. Additional staffing requirements are needed for research and data analysis, reporting and data management, and Information Technology resources for updates to NCM.

#### Section 12

System changes will need to be made to NCM to include new workflow, data collection and reporting step down options for the new program.

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.25 - IT Project Management – Senior
- 0.25 - IT Business Analyst – Senior
- .5 - IT App Development – Senior

FY2024 – 1.0 FTE and \$232,000

FY2025 – 1.0 FTE and \$237,000

2023-25 Total Impact 1.0 FTE & \$469,000

#### Section 16

This section will require additional staffing for both Information Technology (IT) and Research and Data Analytics (RDA) to configure data systems that can retrieve unique individuals’ Washington criminal history and forensic referrals.

Currently, RDA obtains information on criminal history from the Washington State Institute for Public Policy (WSIPP), on a quarterly basis. WSIPP compiles the data from multiple sources to create the file that is used. If DSHS can use that mechanism for individually identified level to be accessible for case management, it would require additional staffing to do confirmed linkage of data to individuals in FDS, establish all the necessary data structures and file transfers (one-time cost in first year), and on-going resources to maintain all links. RDA could do analyses and reporting, at the individual level, with the understanding that the data is provided to us every quarter, and that it takes about 6 months for the data to be fully ‘mature’.

The following staffing is needed beginning July 1, 2023:

- 2.5 IT Data Management – Senior in FY2024
- 1.5 IT Data Management – Senior in FY2025 and subsequent FYs

FY2024 – 2.5 FTE’s and \$434,000

FY2025 – 1.5 FTE’s and \$258,000

2023-25 Total Impact 2.0 FTE’s & \$692,000

IT would have to analyze, develop, and create new data structures / reporting to comply with this new legislation.

The following staff will be needed beginning July 1, 2023, through June 30, 2025:

- 0.5 - IT Project Management – Senior
- 0.5 - IT Business Analyst – Senior
- 1.0 - IT App Development – Senior

FY2024 – 2.0 FTE’s and \$319,000

FY2025 – 2.0 FTE’s and \$327,000

2023-25 Total Impact 2.0 FTE’s & \$646,000

## Reporting Requirements and IT Systems

Current Trueblood reporting requires the integration of data from roughly 16 sources/systems for which DSHS has developed a robust data error reporting structure. Experience suggests that the data from counties/jails will contain a range of quality problems that will have to be addressed on an ongoing basis. Assuming even a small number of counties/jails have a clinical intervention team, the current error reporting infrastructure will have to be expanded, as well as the development/provisioning of reports to counties/jails; IT staff will also need to expand the analytic databases derived from this raw data which is needed for analysis and reporting.

The following RDA staffing is needed beginning July 1, 2023:

- 0.5 – IT Data Management – Senior
- 0.5 – Research Associate

FY2024 – 1.0 FTE's and \$171,000

FY2025 – 1.0 FTE's and \$169,000

2023-25 Total Impact 2.0 FTE's & \$340,000

The following IT Systems would need to be maintained/updated on an on-going basis: FDS and NCM.

The following BHA staffing is needed beginning July 1, 2025:

- 2.0 – IT Business Analyst – Senior
- 1.0 – IT App Development – Senior

FY2026 – 3.0 FTE's and \$513,000

FY2027 – 3.0 FTE's and \$513,000

2025-27 Total Impact 3.0 FTE's & \$1,026,000

## Overall Staffing Assumptions

1. Costs do not include the potential need for additional funding for leased office space.
2. Salary includes the proposed 4 percent cost of living increase in FY2024 and 3 percent in FY2025

## Aging and Long-Term Services Administration (AL TSA) and Developmental Disabilities Administration (DDA)

### Overview

Section 12 in 5440 E2SSB S2 requires DSHS to develop a program for individuals who have been involved in the criminal justice system and who are diagnosed with a developmental disability, dementia disorder or traumatic brain injury. The program must include both wraparound services and housing supports.

DSHS's Research & Data Analysis identified 2,668 individuals who had a competency order signed in SFY 2022 and a "not competent" finding recorded in the Forensic Data System. Of that number, 481 individuals had a developmental disability diagnosis or service, a dementia diagnosis or service, traumatic brain injury diagnosis or both. 74 individuals had a dementia diagnosis or service. 386 individuals had a developmental disability diagnosis or service. 69 individuals had a traumatic brain injury diagnosis.

It's anticipated there will be additional costs for HCA which are not include in the DSHS fiscal note. The non-Medicaid clients will need medical coverage to provide a safe plan of care for these individuals.

### DDA Services

DDA assumes that it serves that many of the individuals who have a developmental disability who also qualify for services under RCW Title 71A. DDA assumes that the population that would need to be served under this new program with services not already available would be limited to individuals with felony charges and do not have a residential option.

DDA estimates that approximately 16 individuals will have felony charges and need a readily available option. This would be a first step before a long-term option is identified. DDA's program will involve the creation of two four-person low-density cottages at two state-operated facilities on the grounds of Rainier School and Yakima Valley School. Subject to local zoning requirements, DSHS Capital Programs estimates that the cottages would be remodeled and available to serve clients beginning in June 2026 based on funding being provided as of July 1, 2023. The estimated length of time between when the remodel process begins and when program occupancy may commence is three years. The cost per cottage is based on a recent estimate regarding the addition of a hardened cottage program at Rainier School. The costs include the cottage remodel, administration & programming costs, and sitework.

DDA estimates that clients will be placed in this facility setting at a rate of two every four months.

Approximately 24 individuals will need housing supports with wraparound services and personal care services.

DDA FTE requirements are phased-in in accordance with the anticipated first service date. Full details of the staff to client ratios and phase-in are included in the model on the DDA Facility Staffing Model tab.

DDA requires two FTE related to the facility services, one each for program management and quality assurance.

DDA requires variable FTE for case management based on the ratio of 25:1 and 1 SHPC 4 as a transition and legal coordinator.

DDA can begin phasing-in clients for the housing supports and related services in December 2023. Full details on the phase-in and costs can be found on the DDA In-Home Placements tab.

The 24 clients served by this portion of the program are assumed to be eligible for DDA services and therefore DDA assumes it will qualify for federal match for the cost of providing personal care services.

#### AL TSA Services

Based on data regarding the prevalence of dementia and traumatic brain injury in the population, AL TSA assumes that it will serve approximately 185 clients per year in its program. This includes some clients who may have a developmental disability but who do not fall within the definition included in RCW Title 71A.

Of these 185 clients, AL TSA estimates that 75% would be placed in a residential setting and 25% would receive in-home services. 90% of these clients are estimated to be Medicaid eligible.

AL TSA can begin phasing-in clients beginning in December 2023. Full details on phase-in and costs can be found on the AL TSA Residential Services and AL TSA In-Home Placements tabs.

12.7 FTE on-going reflecting 1 WMS to set up new program and oversight, 2 SHPC 4 one benefits coordinator and trainer and one transition and legal coordinator, 7.4 FTE Social Service Specialist 3 for case management at ratio of 25:1, 1 Public Benefits Specialist 4 for financial eligibility and coordination and 1 Social Service Specialist 5 for supervision at a ratio of 6:1.

## 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	10,805,000	20,503,000	31,308,000	56,122,000	66,768,000
001-2	General Fund	Federal	2,104,000	9,415,000	11,519,000	25,782,000	25,824,000
<b>Total \$</b>			12,909,000	29,918,000	42,827,000	81,904,000	92,592,000

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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	61.7	66.9	64.3	94.7	147.3
A-Salaries and Wages	6,411,000	6,943,000	13,354,000	17,018,000	23,505,000
B-Employee Benefits	1,869,000	2,041,000	3,910,000	5,478,000	8,211,000
C-Professional Service Contracts					
E-Goods and Other Services	423,000	455,000	878,000	1,245,000	1,887,000
G-Travel	136,000	160,000	296,000	341,000	373,000
J-Capital Outlays	332,000	46,000	378,000	224,000	394,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	3,341,000	19,854,000	23,195,000	56,420,000	56,420,000
P-Debt Service				28,000	76,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	397,000	419,000	816,000	1,059,000	1,474,000
9-ED Leases				91,000	252,000
<b>Total \$</b>	12,909,000	29,918,000	42,827,000	81,904,000	92,592,000

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 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 3	104,553	2.9	2.9	2.9	3.6	4.9
Attendant Counselor 1	49,399				17.4	52.0
Attendant Counselor Manager	63,214				1.9	4.0
Benefits Coordinator and Trainer (SHPC4)	92,000	1.0	1.0	1.0	1.0	1.0
Developmental Disab Case/Res Mgr	77,000	0.3	1.0	0.7	1.2	1.6
Forensic Navigator	122,823	24.0	24.0	24.0	24.0	24.0
Forensic Navigator Supervisor	122,826	2.9	2.9	2.9	2.9	2.9
Forms & Records Analyst 3	64,093	2.9	2.9	2.9	2.9	2.9
IT App Development - Senior	123,468	4.0	4.0	4.0	1.0	1.0
IT Business Analyst - Senior	117,576	2.6	2.6	2.6	3.0	3.0
IT Customer Support - Entry	79,878	2.9	2.9	2.9	2.9	2.9
IT Data Management - Senior	117,588	3.0	2.0	2.5	2.0	2.0
IT Project Management - Senior	123,468	1.6	1.6	1.6		
IT Systems Admin - Journey	105,055				1.0	2.0
Management Analyst 5	97,596	1.0	1.0	1.0	1.0	1.0
Office Assistant 3	46,594	2.9	2.9	2.9	2.9	2.9
PAT Director	97,488				1.0	2.0
Physician Asst/Adv Reg Nurse Pract.	106,889				1.0	2.0
Program Policy and Oversight (WMS)	94,000	1.0	1.0	1.0	1.0	1.0
Psychology Affiliate	63,214				1.0	2.0
Psychology Associate	82,901				1.9	4.0
Public Benefit Specialist 4	65,000	1.0	1.0	1.0	1.0	1.0
Research Associate	91,068	0.5	0.5	0.5	0.5	0.5
Residential Services Coordinator	60,153				1.0	2.0
SHPC4 Training Coordinator	91,525				1.0	2.0
SHPC4 Transition Coordinator	91,525				1.0	2.0
Social Service Specialist 3	77,000	2.6	7.4	5.0	7.4	7.4
Social Service Specialist 5	54,000	0.6	1.3	1.0	1.3	1.3
Transition Specialist & Legal Coordinator (SHPC4)	184,000	2.0	2.0	2.0	2.0	2.0
WMS Behavior Specialists	91,500				1.0	2.0
WMS Program Administrator	91,500				1.9	4.0
WMS Program Manager	92,000	1.0	1.0	1.0	1.0	1.0
WMS Quality Assurance	92,000	1.0	1.0	1.0	1.0	1.0
WMS2 Investigator	132,610				0.7	2.0
<b>Total FTEs</b>		61.7	66.9	64.3	94.7	147.3

**III. D - Expenditures By Program (optional)**

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Behavioral Health Administration (BHA) (030)	8,141,000	7,904,000	16,045,000	14,336,000	14,336,000
Developmental Disabilities Administration (DDA) (040)	647,000	1,757,000	2,404,000	11,580,000	22,268,000
Aging and Long-Term Services Administrator (AL TSA) (050)	4,121,000	20,257,000	24,378,000	55,988,000	55,988,000
<b>Total \$</b>	12,909,000	29,918,000	42,827,000	81,904,000	92,592,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
057-1	State Building Construction Account	State	3,000,000	28,000,000	31,000,000	0	0
<b>Total \$</b>			3,000,000	28,000,000	31,000,000	0	0

### IV. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	3,000,000	28,000,000	31,000,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	3,000,000	28,000,000	31,000,000	0	0

### IV. C - Capital Budget Breakout

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

Construction Estimate	FY 2024	FY 2025	2023-25	2025-27	2027-29
Predesign/Design	3,000,000		3,000,000		
Construction		28,000,000	28,000,000		
Grants/Loans					
Staff					
Other					
<b>Total \$</b>	3,000,000	28,000,000	31,000,000		

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

NONE

DDA estimates that approximately 16 individuals will have felony charges and need a readily available option. This would be a first step before a long-term option is identified. DDA's program will involve the creation of two four-person low-density cottages at two state-operated facilities on the grounds of Rainier School and Yakima Valley School. Subject to local zoning requirements, DSHS Capital Programs estimates that the cottages would be remodeled and available to serve clients beginning in June 2026 based on funding being provided as of July 1, 2023. The estimated length of time between when the remodel process begins and when program occupancy may commence is three years. The cost per cottage is based on a recent estimate regarding the addition of a hardened cottage program at Rainier School. The costs include the cottage remodel, administration & programming costs, and sitework.

## Part V: New Rule Making Required

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

Some rule changes may be needed to manage the additional roles of navigators and the dementia program.