

Multiple Agency Fiscal Note Summary

Bill Number: 1859 HB	Title: Long-term care residents
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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
Office of Administrative Hearings	0	0	1,226,000	0	0	2,452,000	0	0	2,452,000
Department of Social and Health Services	0	0	1,509,000	0	0	2,890,000	0	0	2,818,000
Total \$	0	0	2,735,000	0	0	5,342,000	0	0	5,270,000

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
Office of Administrative Hearings	3.8	0	0	1,226,000	7.6	0	0	2,452,000	7.6	0	0	2,452,000
Department of Social and Health Services	4.5	1,507,000	1,507,000	3,016,000	9.0	2,886,000	2,886,000	5,776,000	8.5	2,814,000	2,814,000	5,632,000
Department of Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Veterans Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	8.3	1,507,000	1,507,000	4,242,000	16.6	2,886,000	2,886,000	8,228,000	16.1	2,814,000	2,814,000	8,084,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
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
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Veterans Affairs	.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: Breann Boggs, OFM	Phone: (360) 485-5716	Date Published: Final 1/31/2024
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Individual State Agency Fiscal Note

Bill Number: 1859 HB	Title: Long-term care residents	Agency: 110-Office of Administrative Hearings
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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
Administrative Hearings Revolving Account-State 484-1		1,226,000	1,226,000	2,452,000	2,452,000
Total \$		1,226,000	1,226,000	2,452,000	2,452,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	7.6	3.8	7.6	7.6
Account					
Administrative Hearings Revolving Account-State 484-1	0	1,226,000	1,226,000	2,452,000	2,452,000
Total \$	0	1,226,000	1,226,000	2,452,000	2,452,000

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: Chris Blake	Phone: 360-786-7392	Date: 01/10/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 01/26/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 01/26/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/26/2024

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 2 applies to the federal rights that residents of nursing homes are afforded to residents of veterans' homes, assisted living facilities, enhanced services facilities, and adult family homes.

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.

As a central service agency, the Office of Administrative Hearings (OAH) bills referring agencies for its costs and collects the revenue into the Administrative Hearings Revolving Account. Cash receipts are assumed to equal costs. OAH will bill the Department of Social & Health Services for the costs related to this proposed legislation.

These cash receipts represent the OAH's authority to bill and are not a direct appropriation to OAH. Appropriation authority is necessary in OAH's budget.

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 & Health Services (DSHS) estimates that the proposed legislation will result in 629 new appeals being referred to the Office of Administrative Hearings (OAH) per fiscal year beginning in FY 2025. On average, each appeal is expected to take approximately 7.9 hours of line Administrative Law Judge (ALJ) time including prehearing conferences, hearings, order writings, etc.

OAH Agency Workforce Assumptions:

- (1) 1.0 Line ALJ will include cost and FTE for 0.15 Senior ALJ (SALJ), 0.15 Lead ALJ (LALJ), 0.6 Legal Assistant 2 (LA2) (Range 40 step L), and 0.25 administrative support represented as a Management Analyst 5 (MA5) (Range 64 Step L).
- (2) ALJ salary is based on the ALJ collective bargaining agreement and assumed to be at step L. (Line ALJ-range 70. Senior ALJ-range 74.)
- (3) Benefit rates were analyzed by job class and projected using the latest benefit information available.
- (4) Goods and services, travel and on-going capital outlays were projected based on historical data for each of the job classifications.

Total workload impact beginning in FY 2025: 3.55 ALJ-Seattle, 0.53 SALJ-Seattle; 0.53 LALJ-Seattle; 2.13 LA2-Seattle and 0.89 MA5. The total cost is rounded to \$1,226,000 per FY.

These costs do not include approved COLA salary increases effective July 1, 2025.

This bill is assumed effective 90 days after the end of the 2024 legislative session.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
484-1	Administrative Hearings Revolving Account	State	0	1,226,000	1,226,000	2,452,000	2,452,000
Total \$			0	1,226,000	1,226,000	2,452,000	2,452,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		7.6	3.8	7.6	7.6
A-Salaries and Wages		777,000	777,000	1,554,000	1,554,000
B-Employee Benefits		242,000	242,000	484,000	484,000
C-Professional Service Contracts					
E-Goods and Other Services		191,000	191,000	382,000	382,000
G-Travel		7,000	7,000	14,000	14,000
J-Capital Outlays		9,000	9,000	18,000	18,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,226,000	1,226,000	2,452,000	2,452,000

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
Administrative Law Judge-Seattle	115,920		3.6	1.8	3.6	3.6
Lead Administrative Law Judge-Seattle	124,879		0.5	0.3	0.5	0.5
Legal Assistant 2-Seattle	55,612		2.1	1.1	2.1	2.1
Management Analyst 5	95,184		0.9	0.5	0.9	0.9
Senior Administrative Law Judge-Seattle	134,442		0.5	0.3	0.5	0.5
Total FTEs			7.6	3.8	7.6	7.6

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Public Assistance & Health (PAH)		1,126,000	1,126,000	2,252,000	2,252,000
Total \$		1,126,000	1,126,000	2,252,000	2,252,000

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.

Individual State Agency Fiscal Note

Bill Number: 1859 HB	Title: Long-term care residents	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		1,509,000	1,509,000	2,890,000	2,818,000
Total \$		1,509,000	1,509,000	2,890,000	2,818,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	9.0	4.5	9.0	8.5
Account					
General Fund-State 001-1	0	1,507,000	1,507,000	2,886,000	2,814,000
General Fund-Federal 001-2	0	1,509,000	1,509,000	2,890,000	2,818,000
Total \$	0	3,016,000	3,016,000	5,776,000	5,632,000

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: Chris Blake	Phone: 360-786-7392	Date: 01/10/2024
Agency Preparation: Mitchell Close	Phone: 3600000000	Date: 01/24/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 01/24/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/24/2024

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 1 amends RCW 70.129.005 to make organizational changes to the language, add in the requirement for a safe, clean, comfortable, and homelike environment, include a reference to chapter 74.34 RCW for vulnerable adults, state that residents in nursing facilities have both state and federal rights and that this creates an inequity and confusion in the long-term care system, and state the intent to extend federal rights to residents in veterans' homes, assisted living facilities, and other settings.

Section 2 creates a new section in chapter 70.129 RCW to extend rights guaranteed to residents in nursing homes by 42 USC Sec. 1396r and 42 CFR Part 483 to residents in veterans' homes, assisted living facilities, enhanced services facilities, and adult family homes.

Section 3 creates a new section in chapter 70.129 RCW that directs the Department of Social and Health Services (DSHS) to adopt rules, policies, and standards in accordance with this chapter.

Section 4 amends RCW 70.129.010 to add nursing homes to the definition of long-term care facilities.

Sections 5, 6, 7, and 8 amend RCW 70.128.125, 18.20.180, 70.97.040, and 18.51.009 to clarify that all of chapter 70.129 RCW applies to those chapters and persons regulated.

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.

A portion of the costs incurred to implement this legislation will be funded with federal Title XIX - Medicaid 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.

This bill extends the rights guaranteed to residents in nursing facilities to residents in veterans' homes, assisted living facilities, enhanced services facilities, and adult family homes. To address the workload impacts, rulemaking, policy development and implementation, and increased discharge appeals, complaints to address new rights being added, and increased complaint investigations, the Aging and Long-Term Support Administration (AL TSA) will require additional staff

- 6.0 Nursing Consultant Institutional FTEs to complete complaint investigations. Because complaint investigators do not cross cover settings, two staff are needed per region. These staff will cover broad areas in their regions to address the four different residential settings in the proposed legislation. These positions would have an anticipated start date of July 1, 2024

- 1.0 WMS Band 2 Policy Program Manager FTE for this rule-making project. This position would start July 1, 2024, and end June 30, 2026.

- 2.0 WMS Band 2 Legal Benefits Advisor FTEs starting July 1, 2024 to handle the discharge appeals.

The total cost for these staff by year is below.

- FY25: \$1,543,000

- FY26: \$1,487,000

- FY27 and beyond: \$1,343,000

In addition to the staffing costs, there are administrative costs due to investigation appeals. Based on the current investigation data and estimated beds across the long-term care system, it is estimated that there would be an additional 629 appeals with 8 percent of those appeals going on to the Board of Appeals (BOA). At an Office of Administrative Hearing cost of \$2,106 per case and a BOA cost of \$2,944 per case, there would be an impact of \$1,473,000 per year.

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	0	1,507,000	1,507,000	2,886,000	2,814,000
001-2	General Fund	Federal	0	1,509,000	1,509,000	2,890,000	2,818,000
Total \$			0	3,016,000	3,016,000	5,776,000	5,632,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		9.0	4.5	9.0	8.5
A-Salaries and Wages		1,060,000	1,060,000	2,019,000	1,918,000
B-Employee Benefits		325,000	325,000	617,000	584,000
C-Professional Service Contracts					
E-Goods and Other Services		1,531,000	1,531,000	3,056,000	3,050,000
G-Travel		3,000	3,000	6,000	6,000
J-Capital Outlays		54,000	54,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service		4,000	4,000	8,000	8,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		39,000	39,000	70,000	66,000
9-					
Total \$	0	3,016,000	3,016,000	5,776,000	5,632,000

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
Nursing Consultant Institutional	126,391		6.0	3.0	6.0	6.0
WMS 2 (Legal Benefits Advisor)	100,437		2.0	1.0	2.0	2.0
WMS 2 (Policy Program Manager)	101,451		1.0	0.5	1.0	0.5
Total FTEs			9.0	4.5	9.0	8.5

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Aging and Long-Term Support Administration (050)		3,016,000	3,016,000	5,776,000	5,632,000
Total \$		3,016,000	3,016,000	5,776,000	5,632,000

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.

Chapters 388-76, 388-78A, 388-107, and 388-97 WAC would require rule changes.

Individual State Agency Fiscal Note

Bill Number: 1859 HB	Title: Long-term care residents	Agency: 303-Department of Health
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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: Chris Blake	Phone: 360-786-7392	Date: 01/10/2024
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 01/16/2024
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/16/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/18/2024

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 bill expands on the rights of residents in long-term care facilities. This bill does not impact any Department of Health statutes or work as these facilities are regulated by the Department of Social Health Services therefore there is 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.

Individual State Agency Fiscal Note

Bill Number: 1859 HB	Title: Long-term care residents	Agency: 305-Department of Veterans Affairs
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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: Chris Blake	Phone: 360-786-7392	Date: 01/10/2024
Agency Preparation: Chony Culley	Phone: 3604808127	Date: 01/12/2024
Agency Approval: Yacob Zekarias	Phone: 253-545-1942	Date: 01/12/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/18/2024

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.

1859 HB has no fiscal impact on the Washington State Department of Veterans Affairs (WDVA). WDVA is already meeting the requirements outlined in the bill.

Section 1 codifies residents' rights as members of the state's long-term care services system. These include having a safe, clean, comfortable, and homelike environment, freedom and opportunity to engage in various activities, be receiving appropriate services, and other aspects that promote maintenance or enhancement of each resident's quality of life. All WDVA-operated long-term care facilities (i.e., veterans homes) have a minimum Medicare 4-star quality measure rating, with our agency's goal to become the leading State in veteran service delivery and outcomes. None of the changes in the proposed bill require WDVA to alter our current practices and methodology.

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.