

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2128 2S HB	<b>Title:</b> Certificate of need program
--------------------------------	---

## 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
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	.0	1,975,000	1,975,000	1,975,000	.0	590,000	590,000	590,000	.0	0	0	0
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	3,774	.0	0	0	1,886	.0	0	0	0
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.1	29,000	29,000	29,000	.1	10,000	10,000	10,000	.0	0	0	0
<b>Total \$</b>	<b>0.1</b>	<b>2,004,000</b>	<b>2,004,000</b>	<b>2,007,774</b>	<b>0.1</b>	<b>600,000</b>	<b>600,000</b>	<b>601,886</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.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
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3973	<b>Date Published:</b> Final 2/17/2024
------------------------------------	---------------------------------	---

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 075-Office of the Governor
--------------------------------	---	---

## 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: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 02/14/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 02/14/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/14/2024

## 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 of Second Substitute House Bill 2128 adds a null and void clause if specific funding is not provided by June 30, 2024. Other changes made in the second substitute bill did not impact sections pertaining to the Office of the Governor and therefore does not change the Office's previous fiscal note assumptions.

Section 1 of Substitute House Bill 2128 establishes the Certificate of Need Modernization Committee. Certain individuals for this committee are to be appointed by the governor, including one representative from the Governor's Office. The Governor's Office believes appointing these positions and participating in this committee will have a minimal, if any, 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

<b>Bill Number:</b> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 105-Office of Financial Management
--------------------------------	---	---

## 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
<b>Account</b>					
General Fund-State 001-1	0	1,975,000	1,975,000	590,000	0
<b>Total \$</b>	0	1,975,000	1,975,000	590,000	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 02/14/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/14/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/15/2024

## 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 second substitute version included the following changes that altered OFM's fiscal impact assumptions from the previous version:

Section 1 (2) (c) includes an option for OFM contract or provide dedicated staff support for the committee. This support now also includes facilitation and project management support for the committee.

Section 2 includes a null and void clause if funding for this bill is not by June 30, 2024, in the enacted budget.

2SHB 2128:

Section 1 (1) creates the Certificate of Need Modernization Advisory Committee and requires a member from OFM, as appointed by the Governor. OFM assumes that representation by OFM on the committee can be accomplished within current responsibilities and staffing, and therefore this section has no fiscal impact.

Section 1 (2) (a) requires the Governor to appoint the chair of the committee, who must convene the committee every two months.

Section 1 (2) (b) requires OFM to contract with a contractor to complete a review. The contractor shall interview every member of the advisory committee for their input on the review. In addition, the contractor may interview other stakeholders. The contractor shall provide regular progress reports to the advisory committee and by December 15, 2024, shall submit initial findings to the advisory committee and relevant policy committees of the legislature. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

Section 1 (2) (c) requires OFM to contract or provide dedicated staff support to the nonlegislative members and for facilitation and project management support of the committee.

Section 1 (3) requires the contractor to provide the following information to the committee:

- Research on the role and impact of certificate of need programs in other states, including:
  - o The scope of each reviewed state's certificate of need legislation, including covered facility types and services.
  - o Factors considered in reviewing certificate of need applications.
  - o The process for reviewing certificate of need applications and appeals of initial certificate of need determinations.
  - o The scope of authority regarding conditions that can be included in any certificate of need approval and mechanisms to monitor and enforce compliance with such conditions.
  - o Any reports or studies regarding the function and outcome of the state's certificate of need program.
  - o For states that have repealed their certificate of need programs, the state's experience since repeal with respect to expansion or contraction of supply of those services and facilities no longer subject to a certificate of need.
  
- A review of recent research related to the impacts of certificate of need programs on access, quality, and cost of health care services. To the extent information and research is available, the review should include available information and research on the issues referenced in subsection (4) of the bill related to Washington's Certificate of Need Program.

Section 1 (8) requires the Department of Health to provide the contractor with any nonconfidential data or information in the DOH's possession as needed to complete the review, once a data sharing agreement is signed.

Section 1 (9) requires the contractor to submit their findings and recommendations to the governor and each chamber of the

legislature in two phases.

- By December 15, 2024:

- o The contractor shall submit a preliminary report summarizing the findings based on the review of items identified in subsection (3) of the bill. This report must be submitted to the governor and relevant committees of the legislature and presented to the advisory committee.

- By October 15, 2025:

- o The contractor shall formally present their findings based on the review of items identified in subsection (3) of the bill and their recommendations to the advisory committee. The recommendations must focus on whether to modernize, expand, reduce, eliminate, or maintain the certificate of need program based on access to care, quality of care, and total health care expenditures. The advisory committee must have an opportunity to provide feedback to the contractor on all recommendations.

- o A final report must be submitted to the advisory committee, the governor, and relevant committees of the legislature. The final report to the legislature must include the contractor's findings, recommendations, and any feedback from the advisory committee on the recommendations.

Section 1 (10) sets an expiration of the bill for July 1, 2026.

Section 2 creates a null and void clause for the bill if specific funding is not provided by June 30, 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.*

## **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.*

Section 1 (2) (c) requires OFM to either contract or hire dedicated staff to provide staff support, facilitation, and project management support to the advisory committee. Due to the time-limited nature of the committee, OFM would contract for the facilitation and project management support to the committee rather than hire dedicated staff. An 18-month contract, starting 7/1/2024, for facilitation project management support is estimated at \$175,000 for FY25 and \$90,000 for FY26.

Section 1 (2) (b) requires OFM to contract with a contractor with relevant expertise to complete a review. OFM assumes that an external contractor with the resources and expertise on hand to complete such work would require between \$1.5 million and \$2.3 million to:

- complete an initial review,
- complete a data sharing agreement with DOH and receive relevant nonconfidential data or information from the department,
- meet with every member of the advisory committee in addition to other stakeholders as determined by the contractor,
- submit a preliminary report by December 15th, 2024,
- complete the review,
- incorporate feedback from the advisory committee, and
- submit the final findings and recommendations by October 15th, 2025.

An example timeline of such a contract is estimated as:

- o May-June 2024 - \$0 - Find and procure a contractor and negotiate contract.
- o Jul - Dec 2024 - between \$500,000 and \$800,000 - Contractor meets with every member, completes a data sharing agreement with DOH, and compiles initial report.



o Oct - Jun 2025 - between \$700,000 and \$1,000,000 - Contractor continues review, attends committee meetings, incorporates feedback.

o Jul - Oct 2025 - between \$300,000 and \$500,000 - Contractor completes review and submits final report and recommendations.

**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	1,975,000	1,975,000	590,000	0
<b>Total \$</b>			0	1,975,000	1,975,000	590,000	0

**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		1,975,000	1,975,000	590,000	
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>	0	1,975,000	1,975,000	590,000	0

**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> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 107-Washington State Health Care Authority
--------------------------------	---	---

## 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: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Melinda Helberg	Phone: 360-725-0000	Date: 02/14/2024
Agency Approval: Catrina Lucero	Phone: 360-725-7192	Date: 02/14/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/15/2024

## 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.*

See attached narrative.

### 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 narrative.

### 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 narrative.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# HCA Fiscal Note

Bill Number: 2128 2SHB

HCA Request #: 24-156

Title: Certificate of Need Program

## 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.

# HCA Fiscal Note

Bill Number: 2128 2SHB

HCA Request #: 24-156

Title: Certificate of Need Program

## 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.*

As compared to 2128 SHB, this version makes the following changes that have an impact to the Washington State Health Care Authority (HCA):

- Modifies the timeline in which the contractor must interview every member of the Advisory Committee by removing the requirement that all interviews occur before beginning the review.
- Requires the Office of Financial Management (OFM) to contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members of the Advisory Committee and for facilitation and project management support.
- A null and void clause is added, making the bill null and void unless funded in the budget.

\*\*\*\*\*

Section 1 The certificate of need modernization advisory commit is established with members as provided in this subsection:

- (d) The director of the health care authority, or the director's designee
- (2)(b) The office of financial management shall contract with a contractor with relevant expertise to complete the review of items found in subsection (3) of this section, to the extent information and research is available, and provide a report of all research and findings. The contractor shall interview every member of the advisory committee for their input on the review, in addition to other stakeholders as determined by the contractor. The contractor shall provide regular progress reports to the advisory committee and by December 15, 2024, shall submit initial findings to the advisory committee and relevant policy committees of the legislature. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.
- (2)(c) The office of financial management shall contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members and for facilitation and project management support of the committee. Senate committee services and the house of representatives office of program research shall provide staff support to the legislative members of the committee. The contractor shall support the work of all members of the committee, legislative and nonlegislative.

Section 2 If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

### 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. Distinguish between one time and ongoing functions.*

NONE

### II. C - Expenditures

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

# HCA Fiscal Note

Bill Number: 2128 2SHB

HCA Request #: 24-156

Title: Certificate of Need Program

No fiscal impact. The Department of Health is responsible for administrative duties and writing the report. HCA can absorb any costs associated with HCA's participation on the task force.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditure

NONE

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

NONE

**III. C - Operating FTE Detail:** FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

**IV. C - Capital Budget Breakout:** Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

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

NONE

## Part V: New Rule Making Required

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



# HCA Fiscal Note

Bill Number: 2128 2SHB

HCA Request #: 24-156

Title: Certificate of Need Program

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 160-Office of Insurance Commissioner
--------------------------------	---	---

## 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	0.0	0.0	0.0	0.0	0.0
<b>Account</b>					
Insurance Commissioners Regulatory Account-State 138-1	0	3,774	3,774	1,886	0
<b>Total \$</b>	0	3,774	3,774	1,886	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Jane Beyer	Phone: 360-725-7043	Date: 02/13/2024
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 02/13/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/13/2024

## 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 establishes a certificate of need modernization advisory committee, of which the Commissioner or their designee is a member. The advisory committee will be staffed by the Office of Financial Management and a contractor chosen by OFM. Advisory committee members include affected state agencies, entities subject to certificate of need regulation, consumers and health care purchasers. Meetings must occur every 2 months, with a preliminary report due to the legislature by December 15, 2024, and a final report due by October 15, 2025.

### 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.*

Section 1 establishes a certificate of need modernization advisory committee, of which the Commissioner or their designee is a member. The advisory committee will be staffed by the Office of Financial Management and a contractor chosen by OFM. Advisory committee members include affected state agencies, entities subject to certificate of need regulation, consumers and health care purchasers. Meetings must occur every 2 months, with a preliminary report due to the legislature by December 15, 2024, and a final report due by October 15, 2025.

Participating on the advisory committee will require the Office of Insurance Commissioner (OIC) to spend time researching, collecting and analyzing data, and preparing for and attending advisory committee meetings. The OIC anticipates attending 6 meetings in FY2025 and 2 meetings in FY2026 with each meeting requiring 6 hours for preparation, attendance, and follow up. The OIC will require the equivalent of 36 hours (6 meetings x 6 hours) in FY2025 and 12 hours (2 meetings x 6 hours) in FY2026 of a Senior Policy Analyst, to prepare for and attend the advisory committee meetings, conduct research and analysis, collect data, and review drafts of the report.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
138-1	Insurance Commissioners Regulatory Account	State	0	3,774	3,774	1,886	0
<b>Total \$</b>			0	3,774	3,774	1,886	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.0	0.0	0.0	
A-Salaries and Wages		2,323	2,323	1,161	
B-Employee Benefits		696	696	348	
C-Professional Service Contracts					
E-Goods and Other Services		755	755	377	
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>	0	3,774	3,774	1,886	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Senior Policy Analyst	116,148		0.0	0.0	0.0	
<b>Total FTEs</b>			0.0	0.0	0.0	0.0

**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> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 300-Department of Social and Health Services
--------------------------------	---	---

## 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: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/15/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/15/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/16/2024

## 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.*

2SHB 2128 has no fiscal impact to the Department of Social and Health Services (DSHS). The bill would establish a certificate of need modernization advisory committee with members to include one representative from each category of "health care facility" as defined in RCW 70.38.025. "Health care facility" includes DSHS operated licensed residential treatment facilities as defined in chapter 71.12 RCW, and DSHS contracted licensed nursing facilities as defined in RCW 70.38.025. If a DSHS representative is selected to participate as a member of the advisory committee attending meetings and participating in a report, the staff-time to perform duties will be accomplished by existing staff within their existing workload, therefore, 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.*

None

### II. C - Expenditures

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

None

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

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> 2128 2S HB	<b>Title:</b> Certificate of need program	<b>Agency:</b> 303-Department of Health
--------------------------------	---	---

## 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	0.0	0.1	0.1	0.1	0.0
<b>Account</b>					
General Fund-State      001-1	0	29,000	29,000	10,000	0
<b>Total \$</b>	0	29,000	29,000	10,000	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/12/2024
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 02/13/2024
Agency Approval: Amy Burkel	Phone: 3602363000	Date: 02/13/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/14/2024



## 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 fiscal note has not changed from the previous fiscal note on House Bill 2128. The second substitute adds section 1(8) requiring the department of health (department) to provide the contractor with non-confidential data or information as needed to complete the review and adds section 2 creating a null and void clause. These changes do not create new work for the department, therefore no change in fiscal impact.

Section 1(1): Establishes the certificate of need modernization advisory committee and requires the secretary of the department of health, or the secretary's designee to serve as a member of the committee.

Section 1(2)(b): Requires the Office of Financial Management to contract with a contractor with relevant expertise to complete the review of items outlined in subsection 3 and provide a report of all research and findings.

Section 1(8): Requires the department to provide the contractor with any nonconfidential data or information in the department's possession as needed to complete the review. The contractor shall sign a data sharing agreement with the department to access this information.

Section 1(9): The contractor shall submit their findings and recommendations to the governor and each chamber of the legislature in two phases, (a) a preliminary report by December 15, 2024, and (b) a formal report of their findings by October 15, 2025.

Section 1(9): This section expires July 1, 2026.

Section 2: If funding is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

### 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.*

The Certificate of Need program is fee supported. For this bill, the department is requesting General Fund State (GF-S) to cover expenses related to this one-time advisory committee as the work identified in this bill is outside of the department's normal regulatory work.

### 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 will support the advisory committee and contractor with data collection for the duration of the committee. The department will provide historical information, current data, and programmatic information from the certificate of need program to address the topics that must be considered in the review. Work will include gathering and compiling facility data, retrieving, and organizing historical data and program files, and offering support to the committee regarding current certificate of need functions.

Costs include staff and associated expenses (including goods and services, travel, intra-agency, and indirect charges).

FY 2025 costs will be 0.1 FTE and \$29,000 (GF-S)

FY 2026 costs will be 0.1 FTE and \$10,000 (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	0	29,000	29,000	10,000	0
<b>Total \$</b>			0	29,000	29,000	10,000	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.1	0.1	0.1	
A-Salaries and Wages		17,000	17,000	6,000	
B-Employee Benefits		5,000	5,000	2,000	
E-Goods and Other Services		6,000	6,000	2,000	
T-Intra-Agency Reimbursements		1,000	1,000		
9-					
<b>Total \$</b>	0	29,000	29,000	10,000	0

### III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
WMS02	118,932		0.1	0.1	0.1	
<b>Total FTEs</b>			0.1	0.1	0.1	0.0

### 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.*