

Multiple Agency Fiscal Note Summary

Bill Number: 2128 E 2S HB	Title: Certificate of need program
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Governor	Fiscal note not available											
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	Fiscal note not available											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	Fiscal note not available											
Total \$	0.0	1,975,000	1,975,000	1,975,000	0.0	590,000	590,000	590,000	0.0	0	0	0

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	Fiscal note not available								
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	Fiscal note not available								
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3073	Date Published: Preliminary 2/23/2024
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Individual State Agency Fiscal Note

Bill Number: 2128 E 2S HB	Title: Certificate of need program	Agency: 105-Office of Financial Management
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	0	1,975,000	1,975,000	590,000	0
Total \$	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: Sarian Scott	Phone: 360-786-7729	Date: 02/21/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 02/22/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/22/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/22/2024

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.

The changes included in the engrossed second substitute version did not change OFM's fiscal impact assumptions from the previous version.

E2SHB 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 and the average review timeline for a decision.
 - 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
Total \$			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-					
Total \$	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

Bill Number: 2128 E 2S HB	Title: Certificate of need program	Agency: 107-Washington State Health Care Authority
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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: Sarian Scott	Phone: 360-786-7729	Date: 02/21/2024
Agency Preparation: Melinda Helberg	Phone: 360-725-0000	Date: 02/22/2024
Agency Approval: Catrina Lucero	Phone: 360-725-7192	Date: 02/22/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/22/2024

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 E2SHB

HCA Request #: 24-174

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.

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- 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 E2SHB

HCA Request #: 24-174

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 2SHB, this version does not make any changes that have an impact to the Washington State Health Care Authority (HCA).

Section 1 The certificate of need modernization advisory committee 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.

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.

HCA Fiscal Note

Bill Number: 2128 E2SHB

HCA Request #: 24-174

Title: Certificate of Need Program

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.

NONE

Individual State Agency Fiscal Note

Bill Number: 2128 E 2S HB	Title: Certificate of need program	Agency: 300-Department of Social and Health Services
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 02/21/2024
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/22/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/22/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/22/2024

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.

E2SHB 2128 has no fiscal impact to the Department of Social and Health Services (DSHS). The bill would establish the certificate of need modernization advisory committee to include a representative of DSHS and 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. Staff-time to perform duties, attending meetings and participating in a report, 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

Part V: New Rule Making Required

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

None