

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace
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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 Attorney General	0	0	0	0	0	6,592,000	0	0	7,446,000
Office of Attorney General	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,592,000</b>	<b>0</b>	<b>0</b>	<b>7,446,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Secretary of State	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	3.0	1,934,000	1,934,000	1,934,000	15.6	0	0	6,592,000	18.5	0	0	7,446,000
Office of Attorney General	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>3.0</b>	<b>1,934,000</b>	<b>1,934,000</b>	<b>1,934,000</b>	<b>15.6</b>	<b>0</b>	<b>0</b>	<b>6,592,000</b>	<b>18.5</b>	<b>0</b>	<b>0</b>	<b>7,446,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.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 Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.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>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

### Estimated Capital Budget Breakout

NONE

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<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3073	<b>Date Published:</b> Final 3/15/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 03/01/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/01/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/01/2024

195,672.00

Request # 253-1

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill relates to the material changes to the operations and governance structure of participants in the health care marketplace. It retains the same court impacts but adds no others.

This striker amendment makes multiple changes concerning the scope of Material Change Transactions (MCTs) subject to bill and Attorney Generals' (AG) procedures and timeframes for evaluating such transactions. It allows the AG to seek injunctions to block disapproved MCTs and to take other enforcement actions. It permits the AG MCT determinations to be appealed to the superior court, but allows courts to grant relief only upon a basis for relief recognized in RCW 34.05.570.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

Fiscal impact is minimal as this would not be a new cause of action and new code impacts would be minimal. Court filings are not expected to be significant.

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

195,672.00

Form FN (Rev 1/00)

2

Request # 253-1

Bill # 5241 E SB AMH APP H3433.2

NONE

195,672.00

Form FN (Rev 1/00)

3

Request # 253-1

Bill # 5241 E SB AMH APP H3433.2

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 085-Office of the Secretary of State
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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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 02/28/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 02/28/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/28/2024

## 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.*

Changes in this version compared to the previous version (ESB 5241).

This version makes definitional and technical changes that don't impact the responsibilities of the Office of the Secretary of State (OSOS).

Summary of this version:

Section 15 of the bill prohibits OSOS from accepting "any forms or documents in connection with any material change transaction if the attorney general...disapproved the material change transaction or the parties...have not agreed to any conditions or modifications imposed by the attorney general..."

Forms and documents pertaining to the "material change transactions" as defined in Section 4(2) of this bill cannot be filed online, do not have standard forms provided by the Office of the Secretary of State and are manually reviewed in-house by OSOS staff. The bill would require a change in the review procedures and checklist used by OSOS staff in reviewing such documents but would not otherwise necessitate any changes to our filing system or forms. No fiscal impact to OSOS.

### 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.*

There are no costs to OSOS associated with implementing this bill.

## 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> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 100-Office of Attorney General
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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-Private/Local 001-7				6,592,000	7,446,000
<b>Total \$</b>				6,592,000	7,446,000

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

### Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	6.0	3.0	15.6	18.5
<b>Account</b>					
General Fund-State 001-1	0	1,934,000	1,934,000	0	0
General Fund-Private/Local 001-7	0	0	0	6,592,000	7,446,000
<b>Total \$</b>	0	1,934,000	1,934,000	6,592,000	7,446,000

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- 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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 03/05/2024
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 03/05/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 03/05/2024

## 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 - New section. Findings and intent. Ensure existence of accessible and affordable healthcare with full range of coverage.

Section 2- Amends RCW 19.390.010. Adds clause requiring material change transactions that result in affected communities have the same or greater access to quality affordable health care. Gives the Attorney General's Office (AGO) authority to conduct an investigation under RCW 19.86.

Section 3- Amends RCW 19.390.020. Definitions. Adds definition for affiliate, gender affirming care, reproductive health care, health care revenue, and successor persons.

Section 4 - Amends RCW 19.390.030. Makes changes to the requirement for material change transactions, including increasing the notice period to 120 days, up from 60 days. Allows AGO to give parties less than 120 days to submit notice in extraordinary emergency situations. Provides procedure for submitting evidence of extraordinary emergency situations to the AGO and requires AGO to respond no later than 45 days after receiving notice.

Section 5 - Amends RCW 19.390.040. Changes what must be included in material change notices, sets forth what policies must exist and apply to material change notices, and requires descriptions of measures to mitigate and/or eliminate adverse effects of changes for specified types of parties. Requires AGO to charge an applicant fee to cover cost of implementing chapter and the right to request additional information in implementing goals of the chapter. Gives AGO rulemaking authority to determine documentation needed for the written notice required under this section for material change transactions.

Section 6 - Amends RCW 19.390.050. Investigations can be done under RCW 19.86 or federal anti-trust law.

Section 7 - New section. AGO will determine if notices required are complete and sets for notification requirements for complete and incomplete notices.

Section 8 - Amends RCW 19.390.080. Imposes civil penalties with AGO having the discretion to impose.

Section 9 - New section. Material change transactions must result in the communities having the same or greater access to qualify for affordable care. Sets out list of required results for material changes transactions. Also sets requirements for the AGO when reviewing material changes transactions.

Section 10 - New section. Sets out requirements for AGO to review transactions under Section 9. If review determines that Section 9 requirements are fulfilled, then a comprehensive review pursuant to Sections 11, 13, and 14 must be completed. Does not impact authority under Chapter 19.86 RCW.

Section 11 - New section. Comprehensive review of material change transactions to be done within 120 days. Sets out what AGO must do within 120 days of receiving notice. Options include approving the change, imposing conditions or modifications, or disapprove of the change. Sets out appeal rights. Indicates that a court may grant relief from the AGO's final decision only upon a basis for relief recognized in RCW 34.05.570(3). Does not impact authority under Chapter 19.86 RCW.

Section 12 - New section. Requires AGO to conduct public hearings. Provides rules and requirements for these hearings including notice requirements. Does not impact authority under Chapter 19.86 RCW.

Section 13 - New section. Gives AGO discretion to hire an independent contractor to prepare a health equity assessment. Sets out requirements for assessment including timelines.

Section 14 - New section. Gives AGO discretion to appoint a review board to conduct a review and make recommendations on certain material change transactions. Set out who can sit on the board.

Section 15 - New section. Office of the Secretary of State (OSOS) cannot accept document in conjunction with a material change if the AGO disapproves of the change and the conditions or modification imposed have not been met. Allows AGO to seek an injunction to prevent this.

Section 16- New section. Requirements for material change transactions included under RCW 19.390.040(3) includes AGO monitoring and reporting for 10 years. Also allows for written public comments. AGO may investigate if it believes material change transaction no longer meets Section 9 of the Act. Allows AGO to give time for compliance, seek reimbursement for investigative costs and impose fines.

Section 17 - New section. Gives AGO authority to ensure compliance with commitments that inure to the public interest and take legal action to enforce this chapter, any conditions or modifications the AGO imposes on material change transactions, or any order the AGO issues under Section 16.

Section 18 - Amends RCW 19.390.070. Defines what documents are deemed public records for purposes of the Public Records Act (PRA).

Section 19 - New section. No provision of this chapter derogates from the common law or statutory authority of the AGO.

Section 20 - New section. Section 21. New section. Concurrent review with Chapter 70.38 and 70.45 RCW.

Section 22 - New section. Every four years AGO shall commission a study of the impact of these material changes.

Section 23 - New section. By January 2026, AGO shall complete a study on impact of health care mergers and acquisitions and what the study must include.

Section 24 - New section. This act does not apply to any pending material change transaction with a letter of intent signed in 2023.

Section 25 - New section. Entitles act as the keep our care act.

Section 26 - New section. Allows AGO to take the necessary steps to ensure that this act is implemented on July 1, 2025.

Section 27 - New section. Sections 7, 9 through 18, and 20 through 25 are added to Chapter 19.390 RCW.

Section 28 - New section. Effective date of July 1, 2025.

Section 29 - New section. Severability clause.

## **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.*

Attorney General's Office (AGO) Agency Assumptions:

Services associated with the enactment of this bill will begin on January 1, 2025 (FY 2025), as AGO will need to start hiring and train staff before the effective date of July 1, 2025.

AGO will create the Health Care Unit (HCU) located in King County.

The estimated cash receipts are indeterminate but will be from an application review fee and for the ongoing compliance review assumptions to meet the ongoing requirements of the bill.

AGO assumes six months of General Fund State (GF-S) will be provided to get the program up and running and then AGO will bill the Health Care entities for preliminary and comprehensive review fees and all associated compliance review costs of the HCU.

AGO assumptions are 56 application reviews will be completed each year of that 48 will be preliminary and eight will be comprehensive. It is assumed the comprehensive reviews are more complex in nature. The estimated expenditures for the year is divided by the number of each type of review, times the complexity model of 10 percent towards preliminary and 90 percent for comprehensive.

Application Fees for Preliminary and Comprehensive Reviews:  
Preliminary Reviews - \$6,300 in FY 2026 and each FY thereafter  
Comprehensive Reviews - \$340,000 in FY 2026 and each FY thereafter

Preliminary and Comprehensive Reviews workload impact:  
FY 2026 and in each FY thereafter: \$3,024,000 for 2.0 Assistant Attorney General FTE (AAG), 1.0 Managing Assistant Attorney General FTE (MAAG), 1.0 Paralegal 1 FTE (PL1), 2.0 Paralegal 2 (PL2), 1.0 Economist FTE (Econ), 3.0 Policy Analyst FTE (PA), 0.3 Contract Specialist FTE (CS), and 1.0 Financial Analyst 3 FTE (FA3), which includes direct costs of \$1,018,000

Compliance:  
FY 2026: \$181,000 for 0.4 AAG, 0.2 PL1, and 0.7 PL2  
FY 2027: \$363,000 for 0.7 AAG, 0.4 PL1, and 1.3 PL2  
FY 2028: \$543,000 for 1.0 AAG, 0.5 PL1, and 2.0 PL2  
FY 2029: \$855,000 for 1.3 AAG, 0.7 PL1, 2.6 PL2, and 1.0 Paralegal 3 FTE (PL3)  
FY 2030 through FY 2035 continues to increase in funding and FTE until FY 2035 at which point costs should plateau at \$2,317,000 for 3.2 AAG, 1.0 MAAG, 1.6 PL1, 6.4 PL2, and 2.0 PL3

AGO: Total non-King County and King County workload impact:  
FY 2026: \$3,205,000 for 2.4 AAG, 1.0 MAAG, 1.2 PL1, 2.7 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000  
FY 2027: \$3,387,000 for 2.7 AAG, 1.0 MAAG, 1.4 PL1, 3.3 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000  
FY 2028: \$3,567,000 for 3.0 AAG, 1.0 MAAG, 1.5 PL1, 4.0 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000  
FY 2029: \$3,879,000 for 3.3 AAG, 1.0 MAAG, 1.7 PL1, 4.6 PL2, 1.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000  
FY 2030 through FY 2035 continues to increase in funding and FTE at which point costs should plateau in FY 2035 at \$5,341,000 for 5.2 AAG, 2.0 MAAG, 2.6 PL1, 8.4 PL2, 2.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

## 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.*

Attorney General's Office (AGO) Agency Assumptions:

Enactment of this bill will begin on July 1, 2025 (FY 2026), although the AGO will need to start hiring before the effective date.

The expenditures are indeterminate but are estimated to meet the ongoing requirements of the bill. AGO will create the Health Care Unit (HCU) in King County.

AGO assumes six months of General Fund State (GF-S) will be provided to get the program up and running and then AGO will bill the entities for preliminary and comprehensive application review fees and all associated compliance review costs.

Location of total staffing is assumed to be in non-King County and King County office buildings.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

Assumptions for the AGO HCU services for Health Care entities:

The AGO will bill Health Care entities for all services based on the enactment of this bill.

HCU will review and analyze submissions, conduct public hearings, retain and work with expert and other contractors, draft findings and agreements, conduct compliance reviews, and take legal action to ensure compliance, and develop annual reports.

The AGO assumes the following in developing and estimating the impacts of this bill:

- a) Will conduct 49-63 application reviews a year. For purposes of the fiscal note, the AGO used 56. Assume 6-10 of the reviews will be comprehensive reviews. For purposes of the fiscal note, the AGO used eight. The remaining 48 reviews are estimated to be preliminary reviews.
- b) Will need to defend 1-3 decisions on comprehensive reviews a year.
- c) Charge a \$6,300 fee for preliminary reviews and a fee of \$340,000 for comprehensive reviews. Fees will be established through rulemaking.
- d) Will recoup compliance costs from applicants through direct billing.
- e) All reviews, including preliminary reviews, will require at least one in person public hearing.
- f) Must conduct annual compliance reviews for ten years.

Managing AAG (MAAG) and AAGs: Review and analyze submissions, conduct public hearings, retain and work with experts and contractors, draft findings and agreements, conduct compliance reviews, recommend legal action when necessary to ensure compliance, assist with development of reports, defend decisions, conduct rulemaking, and communicate with counsel for applicants.

Economist (Econ): Work closely with attorneys and policy analysts to provide support in analyzing the impact of mergers, acquisitions, and contract affiliations. This position will analyze data and other materials provided during the course of equity reviews and work closely with outside consultants involved in the review process.

Senior Policy Analyst (PA): Analyze materials provided by the parties, work on information requests, coordinate, organize, and attend public hearings, meet with the parties and community members, review compliance reports and related materials, and work closely with AAG and outside consultants involved in the health equity assessment.

Paralegal 2 (PL2): Analyze materials provided by the parties, work on information requests, coordinate, organize, and attend public hearings, meet with the parties and community members, review compliance reports and related materials, and work closely with AAG and outside consultants involved in the health equity assessment.

In addition to staffing costs the HCU assumes the following direct costs:

FY 2025 – Estimated costs for the following: Health equity assessment (\$300,000); miscellaneous expert costs, such as solvency and industry experts (\$40,000); e-document management (\$80,000); expert costs for preparing study required by Section 24 (\$500,000); translations, interpretation and American Sign Language (ASL) accommodations, facilities rentals, staff travel to in person hearings, and notice costs, assuming 25 notices (\$88,780).

FY 2026 and in each FY thereafter - Estimated costs for the following: Health equity assessment (\$600,000); miscellaneous expert costs, such as solvency and industry experts (\$80,000); e-document management (\$170,000); costs for translations, interpretation and ASL accommodations, facilities rentals, staff travel to in person hearings, and notice costs, assume 63 notices of material transactions (\$177,560).

AGO assumptions are 56 application reviews will be completed each year of that 48 will be preliminary and eight will be comprehensive. It is assumed the comprehensive reviews are more complex in nature. The estimated expenditures for the year is divided by the number of each type of review, times the complexity model of 10 percent towards preliminary and 90 percent for comprehensive.

#### Application Fees:

Preliminary Reviews - \$6,300 beginning in FY 2026 and each FY thereafter

Comprehensive Reviews - \$340,000 beginning in FY 2026 and each FY thereafter

#### Workload Impact:

GF-Local Preliminary and Comprehensive workload impact:

FY 2026 and in each FY thereafter: \$3,024,000 for 2.0 AAG, 1.0 MAAG, 1.0 PL1, 2.0 PL2, 1.0 Econ, 3.0 PA, which includes direct costs of \$1,018,000

Ongoing compliance reviews workload impact:

FY 2026: \$181,000 for 0.4 AAG, 0.2 PL1, and 0.7 PL2

FY 2027: \$363,000 for 0.7 AAG, 0.4 PL1, and 1.3 PL2

FY 2028: \$543,000 for 1.0 AAG, 0.5 PL1, and 2.0 PL2

FY 2029: \$855,000 for 1.3 AAG, 0.7 PL1, 2.6 PL2, and 1.0 Paralegal 3 FTE (PL3)

FY 2030 through FY 2035 continues to increase in funding and FTE until FY 2035 at which point costs should plateau at \$2,317,000 for 3.2 AAG, 1.0 MAAG, 1.6 PL1, 6.4 PL2, and 2.0 PL3

#### Funding Impact:

Total GF-S Start up and rule making impact:

FY 2025: 1,934,000 for 1.0 AAG, 0.5 MAAG, 0.5 PL1, 1.0 PL2, 0.5 Econ, and 1.5 PA, which includes direct costs of \$1,009,000

#### Total GF-Local Impact

FY 2026: \$3,205,000 for 2.4 AAG, 1.0 MAAG, 1.2 PL1, 2.7 PL2, 1.0 Econ, 3.0 PA, 0.3 Contract Specialist 2 (CS), and 1.0 Financial Analyst 3 (FA3), which includes direct costs of \$1,018,000

FY 2027: \$3,387,000 for 2.7 AAG, 1.0 MAAG, 1.4 PL1, 3.3 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2028: \$3,567,000 for 3.0 AAG, 1.0 MAAG, 1.5 PL1, 4.0 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2029: \$3,879,000 for 3.3 AAG, 1.0 MAAG, 1.7 PL1, 4.6 PL2, 1.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which

includes direct costs of \$1,018,000

FY 2030 through FY 2035 continues to increase in funding and FTE at which point costs should plateau in FY 2035 at \$5,341,000 for 5.2 AAG, 2.0 MAAG, 2.6 PL1, 8.4 PL2, 2.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

Assumptions for the AGO Finance Division (FIS):

FIS assumes receipting of preliminary and compliance fees, account reconciliation. Includes competitive contracting process and contract monitoring.

FIS: Total non-King County workload impact:

FY 2026 and in each FY thereafter: \$158,000 for 1.0 FA3, and 0.3 CS

3. The AGO Social and Health-Olympia Division (SHO) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Health Care Authority (HCA). While HCA is a player in the healthcare marketplace, it appears that HCA will not have a direct role in implementing this bill. Therefore, no costs are included in this request.

4. The AGO Information Services Division (ISD) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

5. The AGO Agriculture and Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Health (DOH). Section 13 of the bill would require an independent contractor to consult with DOH on the preparation of a health equity assessment for material change transactions governed by the bill. DOH would not require legal services for this work. Therefore, no costs are included in this request.

6. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Office of the Insurance Commissioner (OIC). This bill would require the parties to a material change transaction provide 120 days advance written notice containing certain information to the AGO. A material change transaction would include health entity mergers, acquisitions, or contracting affiliations involving a carrier or insurance holding system. GCE assumes the AGO would seek information from the OIC to implement the provisions of this bill. However, the OIC would not have any formal role in carrying out the provisions of this bill, so GCE does not anticipate any increase in legal services as a result. New legal services are nominal and costs are not included in this request.

7. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Office of the Secretary of State (OSOS). Section 15 of this bill would prohibit the OSOS from accepting any forms or documents in connection with any material change transaction if the AGO disapproved of the material change transaction or if the parties to the transaction have not agreed to any conditions or modifications imposed by the AGO. Although this requirement would require the OSOS to create a process to check with the AGO upon receipt of any forms or documents relating to a material change, GCE does not anticipate this would result in any increase in legal services to this client. New legal services are nominal and costs are not included in this request.

AGO: Total non-King County and King County workload impact:

FY 2025: \$1,934,000 for 1.0 AAG, 0.5 MAAG, 0.5 PL1, 1.0 PL2, 0.5 Econ, 1.5 PA, which includes direct costs of \$1,009,000

FY 2026: \$3,205,000 for 2.4 AAG, 1.0 MAAG, 1.2 PL1, 2.7 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2027: \$3,387,000 for 2.7 AAG, 1.0 MAAG, 1.4 PL1, 3.3 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2028: \$3,567,000 for 3.0 AAG, 1.0 MAAG, 1.5 PL1, 4.0 PL2, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2029: \$3,879,000 for 3.3 AAG, 1.0 MAAG, 1.7 PL1, 4.6 PL2, 1.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

FY 2030 through FY 2035 continues to increase in funding and FTE at which point costs should plateau in FY 2035 at \$5,341,000 for 5.2 AAG, 2.0 MAAG, 2.6 PL1, 8.4 PL2, 2.0 PL3, 1.0 Econ, 3.0 PA, 0.3 CS, and 1.0 FA3, which includes direct costs of \$1,018,000

### 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	1,934,000	1,934,000	0	0
001-7	General Fund	Private/Local	0	0	0	6,592,000	7,446,000
<b>Total \$</b>			0	1,934,000	1,934,000	6,592,000	7,446,000

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		6.0	3.0	15.6	18.5
A-Salaries and Wages		635,000	635,000	3,104,000	3,670,000
B-Employee Benefits		192,000	192,000	954,000	1,136,000
C-Professional Service Contracts		1,009,000	1,009,000	2,036,000	2,036,000
E-Goods and Other Services		93,000	93,000	476,000	576,000
G-Travel		5,000	5,000	22,000	28,000
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	1,934,000	1,934,000	6,592,000	7,446,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General-Seattle	135,555		1.0	0.5	2.6	3.2
Contract Specialist 2	72,552				0.3	0.3
Economic Analyst 2	84,118		0.5	0.3	1.0	1.0
Financial Analyst 3	67,380				1.0	1.0
Management Analyst 5	95,184		1.0	0.5	2.5	2.7
Managing Assistant Attorney General-Seattle	142,380		0.5	0.3	1.0	1.0
Paralegal 1-Seattle	72,528		0.5	0.3	1.3	1.6
Paralegal 2-Seattle	79,992		1.0	0.5	3.0	4.3
Paralegal 3-Seattle	67,380					0.5
Policy Analyst-ADM	110,000		1.5	0.8	3.0	3.0
<b>Total FTEs</b>			6.0	3.0	15.6	18.5



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

<b>Program</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-25</b>	<b>2025-27</b>	<b>2027-29</b>
Financial Services (FIS)				316,000	316,000
Health Care Unit (HCU)		1,934,000	1,934,000	6,276,000	7,130,000
<b>Total \$</b>		1,934,000	1,934,000	6,592,000	7,446,000

**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.*

New rules will be needed to establish application fees for preliminary and comprehensive material change applications per Sections 5 through 15.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Hanh OBrien	Phone: 360-725-1447	Date: 03/04/2024
Agency Approval: Madina Cavendish	Phone: 360-725-0902	Date: 03/04/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/13/2024

## 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.*

See attached.

### 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.

### 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.

## 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: **5241 ESB AMH APP H3433.2** HCA Request #: 24-182 Title: **Health Care Marketplace**

### 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: **5241 ESB AMH APP H3433.2** HCA Request #: 24-182 Title: **Health Care Marketplace**

## 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 bill seeks to revise RCW 19.390 (Health Care Market Participants) to require parties to a material change transaction, to submit additional information to the attorney general (AG) about their services and impacts on those services, including any impacts the transactions could have on reproductive health care services, end-of-life health care services and gender affirming health care services.

The striker amendment H-3433.2 differs from striker amendment H-3362.1:

- Section 4 authorizes AG to allow parties to submit transaction notices less than 120 days to the effective date of a transaction in the event of an extraordinary emergency situation that threatens access to health care services and has the potential to immediately harm consumers, subject to the requirement that the parties provide documentation demonstrating the existence of the extraordinary emergency situation. No later than 45 days after receiving notice of an extraordinary emergency situation, the AG must notify the parties whether the transaction is subject to emergency review or preliminary review. If the transaction is accepted for emergency review, the AG must approve or deny the transaction within 90 days; if emergency review is denied, the transaction must be subject to preliminary review.
- Section 5 adds an alternative ground for basic notice requirements if any party is a federally qualified health center or rural health clinic.
- Section 24 adds an exception to the act's requirements for pending material change transactions with a letter of intent signed in 2023.
- Section 26 authorizes AG to take necessary steps to ensure the act is implemented on its effective date.
- Section 28 delays the Act's effective date from January 1, 2025 to July 1, 2025.

\*\*\*\*\*

Section 4(2) A "material change transaction" includes a merger, acquisition, or contracting affiliation:

(a) Between two or more of the following entities:

- (i) Hospitals;
- (ii) Hospital systems; or
- (iii) Provider organizations; or

(b) Between the following entities:

- (i) An entity described in (a) above and a carrier or an insurance holding company system, or
- (ii) An entity described in (a) above and any other person or entity that has as its primary function the provision of health care services or that is a parent organization of, has control over, or governance of, an entity that has as its primary function the provision of health care services.

This bill is cited as the "Keep Our Care Act" and is set to take effect July 1, 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. Distinguish between one time and ongoing functions.*

**NONE**

# HCA Fiscal Note

Bill Number: **5241 ESB AMH APP H3433.2** HCA Request #: 24-182 Title: **Health Care Marketplace**

## 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 proposed legislation does not have a direct impact on the Health Care Authority (HCA) but does have an impact on HCA stakeholders. There are some indirect impacts in that hospitals, health care systems or provider organizations that participate in mergers, acquisitions, or contracting affiliations would have to provide additional robust information to the AG.

The proposed definition of "material change transaction" to include a merger/acquisition/contracting affiliation between hospitals, hospital systems, or provider organizations and a carrier; "carrier" would include Kaiser NW, Kaiser WA, Kaiser WA Options and Premera in their capacity as a fully insured carrier for the Public Employee Benefits (PEBB) and School Employees Benefits (SEBB) plans. This change should not cause any impacts to Employee and Retiree Benefits (ERB) operations within the agency, as impacts will be at the carrier level. The PEBB and SEBB carrier's contracts already require them to cover services required by state and federal laws, which includes women's reproductive health (including access to abortion), gender affirming care, and end of life services.

## 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

## HCA Fiscal Note

Bill Number: **5241 ESB AMH APP H3433.2** HCA Request #: 24-182 Title: **Health Care Marketplace**

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

<b>Bill Number:</b> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 110-Office of Administrative Hearings
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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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 03/01/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 03/01/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 03/04/2024

## 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.*

No fiscal impact. This legislation will not measurably increase the appeal workload for the Office of Administrative Hearings (OAH).

The Attorney General's Office (AGO) is designated as responsible for holding hearings. The AGO has confirmed that they don't intend to delegate this to OAH. Other enforcement action in the bill is set in Superior Court.

### 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> 5241 E SB AMH APP H3433.2	<b>Title:</b> Health care marketplace	<b>Agency:</b> 160-Office of Insurance Commissioner
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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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/27/2024
Agency Preparation: Jane Beyer	Phone: 360-725-7043	Date: 02/28/2024
Agency Approval: Joyce Brake	Phone: 360-725-7041	Date: 02/28/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/29/2024

## 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 is known as the “Keep Our Care Act”. It relates to review of health care mergers and acquisitions by the Office of the Attorney General (AGO).

Section 4 of the bill sets out the types of health care mergers and acquisitions that will be reviewed. They include mergers and acquisitions between hospitals, hospital systems and provider entities, as well as transactions between hospitals, hospital systems, provider organizations and a carrier, an insurance company holding system or any entity that has as its primary function the provision of health care services.

Section 26 of the bill directs the AGO to complete a study on the impact of health care mergers and acquisitions in Washington state between health carriers and health care providers. It is due to the Legislature by January 2026.

The Office of Insurance Commissioner (OIC) may receive inquiries from the AGO with respect to specific mergers or acquisitions involving carriers or insurer holding companies, or with respect to the study directed in section 26. Such inquiries can be handled within existing resources. No fiscal impact to the OIC.

### 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.*



# Multiple Agency Ten-Year Analysis Summary

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace
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This ten-year analysis is limited to the estimated cash receipts associated with the proposed tax or fee increases.

## Estimated Cash Receipts

	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Administrative Office of the Courts	0	0	0	0	0	0	0	0	0	0	0
Office of the Secretary of State	0	0	0	0	0	0	0	0	0	0	0
Office of Attorney General Partially Indeterminate Impact	0	0	3,024,000	3,024,000	3,024,000	3,024,000	3,024,000	3,024,000	3,024,000	3,024,000	24,192,000
Washington State Health Care Authority	0	0	0	0	0	0	0	0	0	0	0
Office of Administrative Hearings	0	0	0	0	0	0	0	0	0	0	0
Office of Insurance Commissioner	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>24,192,000</b>



# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 055 Administrative Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**                       **Partially Indeterminate Cash Receipts**                       **Indeterminate Cash Receipts**

<b>Name of Tax or Fee</b>	<b>Acct Code</b>												
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Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 3/1/2024 11:23:03 am
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 3/1/2024 11:23:03 am
OFM Review:	Phone:	Date:





# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 085 Office of the Secretary of State
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**
                         
  **Partially Indeterminate Cash Receipts**
                         
  **Indeterminate Cash Receipts**

## Estimated Cash Receipts

Name of Tax or Fee	Acct Code												
<b>Total</b>													

**Biennial Totals**

Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 2/28/2024 6:51:10 am
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 2/28/2024 6:51:10 am
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 100 Office of Attorney General
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

No Cash Receipts
  Partially Indeterminate Cash Receipts
  Indeterminate Cash Receipts

## Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Comprehensive Reviews	001			2,722,000	2,722,000	2,722,000	2,722,000	2,722,000	2,722,000	2,722,000	2,722,000	21,776,000
Preliminary Reviews	001			302,000	302,000	302,000	302,000	302,000	302,000	302,000	302,000	2,416,000
<b>Total</b>				<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>3,024,000</b>	<b>24,192,000</b>
<b>Biennial Totals</b>				<b>6,048,000</b>	<b>6,048,000</b>	<b>6,048,000</b>	<b>6,048,000</b>	<b>6,048,000</b>	<b>6,048,000</b>	<b>6,048,000</b>	<b>24,192,000</b>	

## Narrative Explanation (Required for Indeterminate Cash Receipts)

The estimated cash receipts are indeterminate with the General Fund Local, but will be from an application review fee to meet the implementation requirements of the bill.

AGO assumptions are 56 application reviews will be completed each year of that 48 will be preliminary and eight will be comprehensive. It is assumed the comprehensive reviews are more complex in nature. The estimated expenditures for the year is divided by the number of each type of review, times the complexity model of 10 percent towards preliminary and 90 percent for comprehensive.

Application Fees for Preliminary and Comprehensive Reviews:  
 Preliminary Reviews - \$6,300 in FY 2026 and each FY thereafter  
 Comprehensive Reviews - \$340,000 in FY 2026 and each FY thereafter

Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 3/5/2024 9:20:59 am
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 3/5/2024 9:20:59 am
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 107 Washington State Health Care Authority
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**
                         
  **Partially Indeterminate Cash Receipts**
                         
  **Indeterminate Cash Receipts**

<b>Name of Tax or Fee</b>	<b>Acct Code</b>												
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Agency Preparation: Hanh OBrien	Phone: 360-725-1447	Date: 3/4/2024 1:49:52 pm
Agency Approval: Madina Cavendish	Phone: 360-725-0902	Date: 3/4/2024 1:49:52 pm
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 110 Office of Administrative Hearings
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**
                         
  **Partially Indeterminate Cash Receipts**
                         
  **Indeterminate Cash Receipts**

<b>Name of Tax or Fee</b>	<b>Acct Code</b>												
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Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 3/1/2024 2:14:07 pm
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 3/1/2024 2:14:07 pm
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 5241 E SB AMH APP H3433.2	<b>Title</b> Health care marketplace	<b>Agency</b> 160 Office of Insurance Commissioner
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**                       **Partially Indeterminate Cash Receipts**                       **Indeterminate Cash Receipts**

<b>Name of Tax or Fee</b>	<b>Acct Code</b>												
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Agency Preparation: Jane Beyer	Phone: 360-725-7043	Date: 2/28/2024 3:17:07 pm
Agency Approval: Joyce Brake	Phone: 360-725-7041	Date: 2/28/2024 3:17:07 pm
OFM Review:	Phone:	Date: