CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5523**

Chapter 442, Laws of 2023

68th Legislature

2023 Regular Session

FORENSIC PATHOLOGIST WORKFORCE—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

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| Passed by the Senate April 18, 2023  Yeas 48 Nays 0  DENNY HECK  **President of the Senate**  Passed by the House April 10, 2023  Yeas 98 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5523** as passed by the Senate and the House of Representatives on the dates hereon set forth.  SARAH BANNISTER  Secretary |
| Approved May 11, 2023 10:10 AM | May 11, 2023 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5523**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Dhingra, Conway, Nobles, Shewmake, Trudeau, and C. Wilson)

AN ACT Relating to addressing the forensic pathologist shortage; amending RCW 28B.115.020, 28B.115.030, 28B.115.040, 28B.115.050, 28B.115.070, 28B.115.080, 28B.115.110, 28B.115.130, and 68.50.104; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  Forensic pathologists are medically trained doctors who perform autopsies. For the last decade, there has been a persistent shortage in forensic pathologists both locally and nationally and this problem has only grown worse. It is the intent of the legislature to incentivize people to enter the profession by alleviating the student loan burden for medically trained forensic pathologists.

**Sec.**  RCW 28B.115.020 and 2022 c 276 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Approved nursing program" means a nursing educational program that leads to a degree or licensure in nursing that is approved by the nursing care quality assurance commission under RCW 18.79.070 and is located at an institution of higher education that is authorized to participate in state financial aid programs under chapter 28B.92 RCW.

(2) "Council" means the Washington state forensic investigations council created in chapter 43.103 RCW.

(3) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW and designated by the department in RCW 28B.115.070 as a profession having shortages of credentialed health care professionals in the state.

((~~(3)~~)) (4) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the pharmacy quality assurance commission under chapter 18.64 RCW.

((~~(4)~~)) (5) "Department" means the state department of health.

((~~(5)~~)) (6) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

((~~(6)~~)) (7) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the office.

((~~(7)~~)) (8) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

((~~(8)~~)) (9) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area, an underserved behavioral health area, or as a nurse educator in the state of Washington in lieu of monetary repayment.

((~~(9)~~)) (10) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in RCW 28B.115.070. In making health professional shortage area designations in the state the department may be guided by applicable federal standards for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

((~~(10)~~)) (11) "Identified shortage areas" means those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. The council, with assistance from the department, shall determine shortage areas.

(12) "Loan repayment" means a loan that is paid in full or in part if the participant:

(a) Renders health care services in a health professional shortage area or an underserved behavioral health area as defined by the department; ((~~or~~))

(b) Teaches as a nurse educator for an approved nursing program; or

(c) Renders services as a qualified board-certified forensic pathologist as determined by the department.

((~~(11)~~)) (13) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

((~~(12)~~)) (14) "Nurse educator" means an individual with an advanced nursing degree beyond a bachelor's degree that teaches nursing curriculum and is a faculty member for an approved nursing program.

((~~(13)~~)) (15) "Office" means the office of student financial assistance.

((~~(14)~~)) (16) "Participant" means:

(a) A credentialed health care professional who has received a loan repayment award and has commenced practice as a credentialed health care provider in a designated health professional shortage area or an underserved behavioral health area;

(b) A nurse educator teaching in an approved nursing program; ((~~or~~))

(c) An eligible student who has received a scholarship under this program; or

(d) A board-certified forensic pathologist who has commenced working in or is committed to working in identified shortage areas in the state of Washington for the pathologist's required service obligation.

((~~(15)~~)) (17) "Required service obligation" means an obligation by the participant to:

(a) Provide health care services in a health professional shortage area or an underserved behavioral health area for a period to be established as provided for in this chapter; ((~~or~~))

(b) Teach as a nurse educator for a period to be established as provided for in this chapter; or

(c) Provide services as a board-certified forensic pathologist in identified shortage areas as determined by the council.

((~~(16)~~)) (18) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

((~~(17)~~)) (19) "Satisfied" means paid-in-full.

((~~(18)~~)) (20) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area or an underserved behavioral health area.

((~~(19)~~)) (21) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

((~~(20)~~)) (22) "Underserved behavioral health area" means a geographic area, population, or facility that has a shortage of health care professionals providing behavioral health services, as determined by the department.

**Sec.**  RCW 28B.115.030 and 2022 c 276 s 2 are each amended to read as follows:

The Washington health corps is the state's initiative to encourage health care professionals to work in underserved communities. In exchange for service, the health care professional receives assistance with higher education, in the form of loan repayment or a conditional scholarship. The Washington health corps consists of the health professional loan repayment and scholarship program, the behavioral health loan repayment program, ((~~and~~)) the nurse educator loan repayment program, and the forensic pathology loan repayment program.

(1) The health professional loan repayment and scholarship program is established for credentialed health professionals and residents serving in health professional shortage areas.

(2) The behavioral health loan repayment program is established for credentialed health professionals serving in underserved behavioral health areas.

(3) The nurse educator loan repayment program is established for nurse educators teaching for approved nursing programs.

(4) The forensic pathology loan repayment program is established for board-certified forensic pathologists providing services for counties in identified shortage areas.

(5) The office is the administrator of the programs under the Washington health corps. In administering the programs, the office shall:

(a)(i) Select credentialed health care professionals and residents to participate in the loan repayment portion and in the scholarship portion of the health professional loan repayment and scholarship program;

(ii) Select credentialed health care participants to participate in the behavioral health loan repayment program; ((~~and~~))

(iii) Select nurse educators to participate in the nurse educator loan repayment program; and

(iv) Select board-certified forensic pathologists to participate in the forensic pathology loan repayment program;

(b) Adopt rules and develop guidelines to administer the programs;

(c) Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(d) Publicize the program, particularly to maximize participation among individuals in shortage and underserved areas and among populations expected to experience the greatest growth in the workforce;

(e) Solicit and accept grants and donations from public and private sources for the programs;

(f) Use a competitive procurement to contract with a fund-raiser to solicit and accept grants and donations from private sources for the programs. The fund-raiser shall be paid on a contingency fee basis on a sliding scale but must not exceed ((~~fifteen~~)) 15 percent of the total amount raised for the programs each year. The fund-raiser shall not be a registered state lobbyist; and

(g) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

**Sec.**  RCW 28B.115.040 and 2019 c 302 s 4 are each amended to read as follows:

(1) The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the health professional loan repayment and scholarship program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

(2) The department, in consultation with the council and other pertinent stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the forensic pathology loan repayment program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a board-certified forensic pathologist, forming agreements between rural and underserved counties in a service area to share credentialed forensic pathology professionals, and fulfilling any matching requirements.

(3) From the amounts appropriated to the department, the department shall enter into a contract for a two-year marketing plan with the Washington association of coroners and medical examiners for the sole purpose of marketing Washington state to potential board-certified forensic pathologists. The marketing plan must include, but is not limited to, a focus on rural and underserved counties. Payment for administrative expenses may not exceed two percent of the appropriated funds.

**Sec.**  RCW 28B.115.050 and 2022 c 276 s 3 are each amended to read as follows:

The office shall establish a planning committee to assist it in developing criteria for the selection of participants for the Washington health corps program. The office shall include on the planning committee representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board for community and technical colleges, the superintendent of public instruction, institutions of higher education, representatives from the behavioral health and public health fields, the council, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of financial need under RCW 28B.92.030.

**Sec.**  RCW 28B.115.070 and 2022 c 276 s 4 are each amended to read as follows:

(1) After June 1, 1992, the department, in consultation with the office and the department of social and health services, shall:

(a) Determine eligible credentialed health care professions for the purposes of the health professional loan repayment and scholarship program and the behavioral health loan repayment program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(b) Determine health professional shortage areas for each of the eligible credentialed health care professions; and

(c) Determine underserved behavioral health areas for each of the eligible credentialed health care professions.

(2) The office, in consultation with the department, shall determine selection criteria for nurse educators and approved nursing programs.

(3) The office, in consultation with the department and the council, shall determine selection criteria for board-certified forensic pathologists.

**Sec.**  RCW 28B.115.080 and 2022 c 276 s 5 are each amended to read as follows:

(1) After June 1, 1992, the office, in consultation with the department and the department of social and health services, shall:

((~~(1)~~)) (a) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession for both the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall be established by the office for each eligible health profession. The awards shall not be paid for more than a maximum of five years per individual;

((~~(2)~~)) (b) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The office may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

((~~(3)~~)) (c) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years, for the health professional loan repayment and scholarship program and the behavioral health loan repayment program. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

((~~(4)~~)) (d) Establish the annual award amount and the required service obligation for nurse educators participating in the nurse educator loan repayment program. The annual award amount shall be based upon an assessment of reasonable annual eligible expenses involved in training and education. The awards shall not be paid for more than a maximum of five years per individual. The required service obligation shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

((~~(5)~~)) (e) Determine eligible education and training programs for purposes of the scholarship portion of the health professional loan repayment and scholarship program; and

((~~(6)~~)) (f) Honor loan repayment and scholarship contract terms negotiated between the office and participants prior to May 21, 1991, concerning loan repayment and scholarship award amounts and service obligations authorized under this chapter or chapter 70.180 RCW.

(2) The department and the council, with the office, shall establish the annual loan repayment amount for each eligible board-certified forensic pathologist, based upon an assessment of reasonable eligible expenses involved in training and education up to $25,000 annually. The awards may not be paid for more than a total of four years per participant. The required service obligation must be four years. The annual award amount shall be established by the office.

**Sec.**  RCW 28B.115.110 and 2022 c 276 s 7 are each amended to read as follows:

Participants in the Washington health corps who are awarded loan repayments shall receive payment for the purpose of repaying educational loans secured while attending a program of health professional training which led to a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to meet the required service obligation.

(2) Repayment shall be limited to eligible educational and living expenses as determined by the office and shall include principal and interest.

(3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the office access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

(4) Repayment of loans established pursuant to the Washington health corps shall begin no later than ((~~ninety~~)) 90 days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the office, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service in a health professional shortage area, an underserved behavioral health area, ((~~or~~)) as a nurse educator at an approved nursing program after the required service obligation when eligibility discontinues, or as a board-certified forensic pathologist in an identified shortage area, whichever comes first.

(5) Should the participant discontinue service in a health professional shortage area, an underserved behavioral health area, ((~~or~~)) as a nurse educator at an approved nursing program, or as a board-certified forensic pathologist in an identified shortage area, payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

(6) Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obligated to repay to the program an amount equal to the unsatisfied portion of the service obligation, or the total amount paid by the program on their behalf, whichever is less. This amount is due and payable immediately. Participants who are unable to pay the full amount due shall enter into a payment arrangement with the office, including an arrangement for payment of interest. The maximum period for repayment is ((~~ten~~)) 10 years. The office shall determine the applicability of this subsection. The interest rate shall be determined by the office and be established by rule.

(7) The office is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before completion of the required service obligation. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

(8) The office shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

(9) The office shall temporarily or, in special circumstances, permanently defer the requirements of this section for eligible students as defined in RCW 28B.10.017.

(10) The office shall establish an appeal process by rule.

**Sec.**  RCW 28B.115.130 and 2022 c 276 s 8 are each amended to read as follows:

(1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program ((~~and~~)), the nurse educator loan repayment program, the forensic pathology loan repayment program, or any other public or private funds intended for loan repayments or scholarships under these programs shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the office, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. **Sec.**  (1) The department of health shall contract with the Washington association of coroners and medical examiners to: Conduct a study of the critical shortage of board-certified forensic pathologists and recommend to the legislature what steps the state can take to foster a robust forensic pathology community. The study must cover issues related to Conrad 30 J-1 visa waivers and measures to encourage enrollment in the University of Washington and Washington State University forensic pathology residency programs. This study must also include recommendations on how to create two new forensic pathology fellow slots, one in conjunction with the University of Washington and one in conjunction with Washington State University. The Washington association of coroners and medical examiners shall directly report its findings and recommendations to the governor and the appropriate committees of the legislature by October 1, 2024.

(2) This section expires August 1, 2025.

**Sec.**  RCW 68.50.104 and 2021 c 127 s 8 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(i) Up to ((~~forty~~)) 40 percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(ii) Up to 30 percent of the salary of pathologists who are primarily engaged in performing autopsies and are (A) county coroners or county medical examiners, or (B) employees of a county coroner or county medical examiner; ((~~and~~))

(iii) ((~~One hundred~~)) 100 percent of the cost of autopsies conducted under RCW 70.54.450; and

(iv) Up to 40 percent of the cost of transportation of remains to and from facilities accredited pursuant to RCW 36.24.210 for the purpose of autopsy services.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

(4) Where the county coroner's office or county medical examiner's office is not accredited pursuant to RCW 36.24.210, or a coroner, medical examiner, or other medicolegal investigative employee is not certified as required by RCW 36.24.205 and 43.101.480, the state treasurer's office shall withhold 25 percent of autopsy reimbursement funds until accreditation under RCW 36.24.210 or compliance with RCW 36.24.205 and 43.101.480 is achieved.

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Passed by the Senate April 18, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 11, 2023.

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