

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

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**

Approved May 11, 2023 10:10 AM

JAY INSLEE

Governor of the State of Washington

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

FILED

May 11, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5523

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)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to addressing the forensic pathologist shortage;
2 amending RCW 28B.115.020, 28B.115.030, 28B.115.040, 28B.115.050,
3 28B.115.070, 28B.115.080, 28B.115.110, 28B.115.130, and 68.50.104;
4 creating new sections; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** Forensic pathologists are medically
7 trained doctors who perform autopsies. For the last decade, there has
8 been a persistent shortage in forensic pathologists both locally and
9 nationally and this problem has only grown worse. It is the intent of
10 the legislature to incentivize people to enter the profession by
11 alleviating the student loan burden for medically trained forensic
12 pathologists.

13 **Sec. 2.** RCW 28B.115.020 and 2022 c 276 s 1 are each amended to
14 read as follows:

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

17 (1) "Approved nursing program" means a nursing educational
18 program that leads to a degree or licensure in nursing that is
19 approved by the nursing care quality assurance commission under RCW
20 18.79.070 and is located at an institution of higher education that

1 is authorized to participate in state financial aid programs under
2 chapter 28B.92 RCW.

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

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

11 ~~((3))~~ (4) "Credentialed health care professional" means a
12 person regulated by a disciplining authority in the state of
13 Washington to practice a health care profession under RCW 18.130.040
14 or by the pharmacy quality assurance commission under chapter 18.64
15 RCW.

16 ~~((4))~~ (5) "Department" means the state department of health.

17 ~~((5))~~ (6) "Eligible education and training programs" means
18 education and training programs approved by the department that lead
19 to eligibility for a credential as a credentialed health care
20 professional.

21 ~~((6))~~ (7) "Eligible expenses" means reasonable expenses
22 associated with the costs of acquiring an education such as tuition,
23 books, equipment, fees, room and board, and other expenses determined
24 by the office.

25 ~~((7))~~ (8) "Eligible student" means a student who has been
26 accepted into an eligible education or training program and has a
27 declared intention to serve in a health professional shortage area
28 upon completion of the education or training program.

29 ~~((8))~~ (9) "Forgiven" or "to forgive" or "forgiveness" means to
30 render health care services in a health professional shortage area,
31 an underserved behavioral health area, or as a nurse educator in the
32 state of Washington in lieu of monetary repayment.

33 ~~((9))~~ (10) "Health professional shortage areas" means those
34 areas where credentialed health care professionals are in short
35 supply as a result of geographic maldistribution or as the result of
36 a short supply of credentialed health care professionals in specialty
37 health care areas and where vacancies exist in serious numbers that
38 jeopardize patient care and pose a threat to the public health and
39 safety. The department shall determine health professional shortage
40 areas as provided for in RCW 28B.115.070. In making health

1 professional shortage area designations in the state the department
2 may be guided by applicable federal standards for "health manpower
3 shortage areas," and "medically underserved areas," and "medically
4 underserved populations."

5 ~~((10))~~ (11) "Identified shortage areas" means those areas where
6 qualified forensic pathologists are in short supply because of
7 geographic maldistribution or where vacancies exist that may
8 compromise death investigations. The council, with assistance from
9 the department, shall determine shortage areas.

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

12 (a) Renders health care services in a health professional
13 shortage area or an underserved behavioral health area as defined by
14 the department; ~~((10))~~

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

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

19 ~~((11))~~ (13) "Nonshortage rural area" means a nonurban area of
20 the state of Washington that has not been designated as a rural
21 physician shortage area. The department shall identify the
22 nonshortage rural areas of the state.

23 ~~((12))~~ (14) "Nurse educator" means an individual with an
24 advanced nursing degree beyond a bachelor's degree that teaches
25 nursing curriculum and is a faculty member for an approved nursing
26 program.

27 ~~((13))~~ (15) "Office" means the office of student financial
28 assistance.

29 ~~((14))~~ (16) "Participant" means:

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

34 (b) A nurse educator teaching in an approved nursing program;
35 ~~((10))~~

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

38 (d) A board-certified forensic pathologist who has commenced
39 working in or is committed to working in identified shortage areas in

1 the state of Washington for the pathologist's required service
2 obligation.

3 ~~((15))~~ (17) "Required service obligation" means an obligation
4 by the participant to:

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

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

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

12 ~~((16))~~ (18) "Rural physician shortage area" means rural
13 geographic areas where primary care physicians are in short supply as
14 a result of geographic maldistributions and where their limited
15 numbers jeopardize patient care and pose a threat to public health
16 and safety. The department shall designate rural physician shortage
17 areas.

18 ~~((17))~~ (19) "Satisfied" means paid-in-full.

19 ~~((18))~~ (20) "Scholarship" means a loan that is forgiven in
20 whole or in part if the recipient renders health care services in a
21 health professional shortage area or an underserved behavioral health
22 area.

23 ~~((19))~~ (21) "Sponsoring community" means a rural hospital or
24 hospitals as authorized in chapter 70.41 RCW, a rural health care
25 facility or facilities as authorized in chapter 70.175 RCW, or a city
26 or county government or governments.

27 ~~((20))~~ (22) "Underserved behavioral health area" means a
28 geographic area, population, or facility that has a shortage of
29 health care professionals providing behavioral health services, as
30 determined by the department.

31 **Sec. 3.** RCW 28B.115.030 and 2022 c 276 s 2 are each amended to
32 read as follows:

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

1 nurse educator loan repayment program, and the forensic pathology
2 loan repayment program.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (f) Use a competitive procurement to contract with a fund-raiser
38 to solicit and accept grants and donations from private sources for
39 the programs. The fund-raiser shall be paid on a contingency fee
40 basis on a sliding scale but must not exceed ~~((fifteen))~~ 15 percent

1 of the total amount raised for the programs each year. The fund-
2 raiser shall not be a registered state lobbyist; and

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

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

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

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

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

36 **Sec. 5.** RCW 28B.115.050 and 2022 c 276 s 3 are each amended to
37 read as follows:

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

13 **Sec. 6.** RCW 28B.115.070 and 2022 c 276 s 4 are each amended to
14 read as follows:

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

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

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

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

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

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

4 **Sec. 7.** RCW 28B.115.080 and 2022 c 276 s 5 are each amended to
5 read as follows:

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

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

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

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

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

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

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

18 (2) The department and the council, with the office, shall
19 establish the annual loan repayment amount for each eligible board-
20 certified forensic pathologist, based upon an assessment of
21 reasonable eligible expenses involved in training and education up to
22 \$25,000 annually. The awards may not be paid for more than a total of
23 four years per participant. The required service obligation must be
24 four years. The annual award amount shall be established by the
25 office.

26 **Sec. 8.** RCW 28B.115.110 and 2022 c 276 s 7 are each amended to
27 read as follows:

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

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

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

38 (3) Loans from both government and private sources may be repaid
39 by the program. Participants shall agree to allow the office access

1 to loan records and to acquire information from lenders necessary to
2 verify eligibility and to determine payments. Loans may not be
3 renegotiated with lenders to accelerate repayment.

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

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

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

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

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

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

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

8 **Sec. 9.** RCW 28B.115.130 and 2022 c 276 s 8 are each amended to
9 read as follows:

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

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

22 NEW SECTION. **Sec. 10.** (1) The department of health shall
23 contract with the Washington association of coroners and medical
24 examiners to: Conduct a study of the critical shortage of board-
25 certified forensic pathologists and recommend to the legislature what
26 steps the state can take to foster a robust forensic pathology
27 community. The study must cover issues related to Conrad 30 J-1 visa
28 waivers and measures to encourage enrollment in the University of
29 Washington and Washington State University forensic pathology
30 residency programs. This study must also include recommendations on
31 how to create two new forensic pathology fellow slots, one in
32 conjunction with the University of Washington and one in conjunction
33 with Washington State University. The Washington association of
34 coroners and medical examiners shall directly report its findings and
35 recommendations to the governor and the appropriate committees of the
36 legislature by October 1, 2024.

37 (2) This section expires August 1, 2025.

1 **Sec. 11.** RCW 68.50.104 and 2021 c 127 s 8 are each amended to
2 read as follows:

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

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

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

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

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

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

22 (b) When the county bears the cost of an autopsy of a child under
23 the age of three whose death was sudden and unexplained, the county
24 shall be reimbursed for the expenses of the autopsy when the death
25 scene investigation and the autopsy have been conducted under RCW
26 43.103.100 (4) and (5), and the autopsy has been done at a facility
27 designed for the performance of autopsies.

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

31 (4) Where the county coroner's office or county medical
32 examiner's office is not accredited pursuant to RCW 36.24.210, or a
33 coroner, medical examiner, or other medicolegal investigative
34 employee is not certified as required by RCW 36.24.205 and
35 43.101.480, the state treasurer's office shall withhold 25 percent of
36 autopsy reimbursement funds until accreditation under RCW 36.24.210
37 or compliance with RCW 36.24.205 and 43.101.480 is achieved.

Passed by the Senate April 18, 2023.
Passed by the House April 10, 2023.
Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

--- **END** ---