

HOUSE BILL REPORT

SSB 5523

As Reported by House Committee On:
Postsecondary Education & Workforce
Appropriations

Title: An act relating to addressing the forensic pathologist shortage.

Brief Description: Addressing the forensic pathologist shortage.

Sponsors: Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Dhingra, Conway, Nobles, Shewmake, Trudeau and Wilson, C.).

Brief History:

Committee Activity:

Postsecondary Education & Workforce: 3/21/23, 3/24/23 [DP];
Appropriations: 4/1/23, 4/4/23 [DPA].

Brief Summary of Substitute Bill
(As Amended By Committee)

- Establishes a loan repayment program for board-certified forensic pathologists, within the Washington Health Corps, providing services in identified shortage areas of the state.
- Provides up to \$25,000 in loan repayment per year per participant for up to four years.
- Requires the Washington Association of Coroners and Medical Examiners to conduct a study of the critical shortage of board-certified forensic pathologists and submit a report with recommendations to the Legislature by October 1, 2024.
- Allows coroners to receive up to 40 percent of the cost of transportation of remains between facilities for autopsy services from the Death Investigations Account.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE

Majority Report: Do pass. Signed by 13 members: Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen, Jacobsen, Klicker, Leavitt, Paul, Pollet, Schmidt and Timmons.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler.

Minority Report: Without recommendation. Signed by 1 member: Representative McEntire.

Staff: Elizabeth Allison (786-7129).

Background:

Forensic Pathologists.

A forensic pathologist is a medically trained physician who is specially trained to perform autopsies, investigate deaths, and determine the cause and manner of a person's death. Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine cause of death in certain cases. The cost of an autopsy is borne by the county in which the autopsy is performed. Some of these costs, however, are reimbursed from the Death Investigations Account. Reimbursed costs include 40 percent of the cost of contracting for an outside pathologist, and 25 percent of the salary for an internal pathologist who is primarily engaged in performing autopsies, and who is a coroner, medical examiner, or an employee of the office.

Washington State Forensic Investigations Council.

The Washington State Forensic Investigations Council (Council) oversees the Bureau of Forensic Laboratory Services and, in consultation with the Chief of the Washington State Patrol or the Chief's designee, controls the operation and establishes policies of the Bureau of Forensic Laboratory Services. The Council also studies and recommends cost-efficient improvements to the death investigation system in Washington and reports its findings to the Legislature.

Washington Association of Coroners and Medical Examiners.

The Washington Association of Coroners and Medical Examiners (Association) is a professional organization of county coroners and medical examiners and their deputies in Washington. The Association advocates for best practices in death investigations; facilitates the exchange of information pertaining to the duties, methods, and official practices of members; provides for continued education in all matters relating to coroners and medical examiners; creates education opportunities for members and the public; and promotes communication with the law enforcement and medical communities and with other individuals and agencies involved in death investigations.

Washington Department of Health.

The Washington State Department of Health (DOH) was formed in 1989 to promote and protect public health, monitor health care costs, maintain standards for quality health care delivery, and plan activities related to the health of Washington citizens.

Office of Student Financial Assistance.

The Office of Student Financial Assistance (Office) was created within the Washington Student Achievement Council (WSAC) and is in charge of administering scholarship programs.

Washington Health Corps.

The Washington Health Corps was established in 2019 to encourage health care professionals to work in shortage areas by providing loan repayment. The Washington Health Corps is an umbrella program under which three loan repayment programs are placed: the Health Professional Loan Repayment and Conditional Scholarship Program, the Behavioral Health Loan Repayment Program, and the Nurse Educator Loan Repayment Program. The programs provide licensed professionals with repayment on all or a portion of participants' outstanding student loans in exchange for service at an eligible site. Eligible sites are health care facilities that provide comprehensive outpatient, ambulatory, and primary health care services.

All programs are administered by the WSAC, in collaboration with the DOH, under the same structure and application process. The programs provide a maximum loan repayment award of \$75,000 for a minimum three-year service obligation of full-time employment. A participant is required to work at least a 24-hour work week, and is allowed 40 days per year in leave. The programs differ in who is eligible, and what the eligible shortage areas are.

Summary of Bill:

The Forensic Pathology Loan Repayment Program (Program) is established for board certified forensic pathologists providing services for counties in identified shortage areas. Identified shortage areas are those areas where qualified forensic pathologists are in short supply because of geographic maldistribution or where vacancies exist that may compromise death investigations. Shortage areas must be identified by the Council with assistance from the DOH. To be eligible, forensic pathologies must have commenced working or commit to working in identified shortage areas in Washington. The required service obligation must continue for 12 months of service after receipt of the participant's last loan repayment.

The Office, with the Council, must:

- select board-certified forensic pathology participants to participate in the Program;

- adopt rules and develop guidelines to administer the Program;
- collect and manage repayments from participants who do not meet their service obligations;
- publicize the Program;
- solicit and accept grants and donations from the public and private resources for the Program; and
- develop criteria for a contract for service in lieu of the service obligation where appropriate.

In consultation with the Council and other stakeholders, the DOH may provide technical assistance to counties desiring to become sponsoring communities. Technical assistance may include identifying prospective students for the Program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide services as a forensic pathologist, forming agreements between rural and underserved counties in a service area, and fulfilling any matching requirements.

Using amounts appropriated, the DOH must enter into a contract for a two-year marketing plan with the Association for the sole purpose of marketing Washington to potential forensic pathologists. The marketing plan must include a focus on rural and underserved counties.

The Office must establish a planning committee to assist in developing criteria for the selection of participants for the Program. A representative from the DOH, the Council, and other appropriate public and private organizations and agencies must be included on the committee.

The annual loan repayment amount for each eligible forensic pathologist must be established by the DOH and the Council along with the Office. The amount must be based upon an assessment of reasonable eligible expenses involved in training and education up to \$25,000 annually for four years. The total amount of funding to be awarded for loan repayments must be established annually by the Office and must be based upon the best utilization of funding for that year.

Eligible participants must receive payment for the purpose of repaying educational loans secured while attending a program which led to a credential as a forensic pathologist in Washington. Repayments are limited to eligible educational and living expenses as determined by the Office. Loans from both government and private sources may be repaid by the Program. Participants must agree to allow the Office access to loan records to acquire information from lenders necessary to verify eligibility and determine payments. Repayments must begin no later than 90 days after the individual has become a participant. Payments must be made quarterly, or more frequently as determined by the Office, until the loan is repaid or the participant become ineligible. If a participant discontinues service in an identified shortage area, payments shall cease to be effective on the date the participant

discontinues service.

Participants who serve less than the required service obligation will be obligated to repay 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. The maximum period for repayment is 10 years. The interest rate must be established by the Office and established by rule. The Office may not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires. An appeal process must be established by rule by the Office.

The Forensic Pathologist Loan Repayment Account is created in the custody of the State Treasurer. All receipts from the Program must be deposited in the Account and only the Office may authorize expenditures from the fund. No appropriation is required for expenditures.

The DOH must contract with the Association to conduct a study of the critical shortage of forensic pathologists and recommend steps the state can take to foster a robust forensic pathology community to the Legislature. The study must include issues related to Conrad J-1 visa waivers and include recommendations on how to create two new forensic pathology fellow slots in conjunction with the research universities. The Association must directly report its findings and recommendations to the Governor and the appropriate committees of the Legislature by October 1, 2024.

Allowable uses for the Death Investigations Account are modified to allow coroners to receive up to 40 percent of the cost of transportation of remains between facilities for autopsy services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Most people do not think about forensic pathologists, but forensic pathologists provide an extremely needed role, especially in the criminal justice system. They make sure that family members and loved ones know the cause of death. Washington is seeing a huge shortage of forensic pathologists, and it is important that the Legislature make changes to get people interested in this field. The bill requires the Association to do a study to look at board-certified forensic pathologists and submit a report to the Legislature. King County and the University of Washington have resident programs for forensic pathologists, and the

state should invest in more residency programs. It is important to let forensic pathologists know what benefits Washington has to offer, which include loan repayment under this bill. To address this, the bill has an advertising and marketing plan requirement. This bill passed the Senate floor unanimously.

The role of forensic pathologists in local jurisdictions and the criminal justice system is a quiet but critical one. Forensic pathologists can shape the nature of a criminal justice investigation. Training and qualifying forensic pathologists is not easy and it is costly. The Association must study the need for more forensic pathologists and create a new fellowship. Training to become a forensic pathologist includes four years of medical school, four years of residency, and one year of fellowship. There are only two forensic pathologist residencies in the state and only one fellowship. There are two fellows trained each year and this bill would potentially add a third. The fellowship is in King County and this bill could explore partnering with other medical facilities across the state.

Stakeholders rely on investigative data for various purposes. A board-certified forensic pathologist is key in accessing this data as they provide medical and scientific data, perform comprehensive testing, and provide insight into death. There is currently a critical shortage of forensic pathologists across the nation. The lack of forensic pathologists in Western Washington make it difficult to get some autopsies performed. This impacts families who must wait longer for death investigations. The current autopsy reimbursement from the state does not cover the cost of transporting bodies to other facilities, but this bill would allow up to 40 percent reimbursement for transporting bodies.

Some forensic pathologists are at risk of losing their accreditation. In 2021 the Legislature passed a law that requires Washington medical examiners and coroners to be accredited by a national accrediting board to receive reimbursement for death investigations. Forensic pathologists are required to perform less than a certain number of death investigations per year, and the lack of forensic pathologists and increasing deaths to study makes them at risk of losing accreditation. Washington needs to be more competitive in recruiting forensic pathologists, and offering loan forgiveness will draw forensic pathologists to come live in Washington.

(Opposed) None.

Persons Testifying: Senator Manka Dhingra, prime sponsor; Hayley Thompson, Washington Association of Coroners and Medical Examiners; J. Matthew Lacy; and Ian Goodhew, University of Washington Medicine.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 31 members: Representatives Ormsby,

Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Staff: Kate Henry (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Postsecondary Education & Workforce:

The amended bill creates the Forensic Pathology Loan Repayment Program within the umbrella of the Washington Health Corps program instead of a stand-alone account and program. Forensic pathologists chosen as participants must complete a four-year service obligation. The additional 12-month service obligation after the repayment is complete is removed.

The Washington Student Achievement Council no longer has to establish a planning committee, since the criteria for participants will be met within the structure of the Washington Health Corps.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on April 5, 2023.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.