

SENATE BILL REPORT

SSB 5523

As Amended by House, April 10, 2023

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: Higher Education & Workforce Development: 2/01/23, 2/08/23 [DPS-WM, w/oRec].

Ways & Means: 2/18/23, 2/23/23 [DPS (HEWD)].

Floor Activity: Passed Senate: 3/6/23, 48-0.

Passed House: 4/10/23, 98-0.

Brief Summary of First Substitute Bill

- Creates a loan repayment program for board-certified forensic pathologists who work in identified shortage areas of the state for four years.
- 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.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5523 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias.

Minority Report: That it be referred without recommendation.

Signed by Senator Hawkins.

Staff: Alicia Kinne-Clawson (786-7407)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5523 as recommended by Committee on Higher Education & Workforce Development be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Michele Alishahi (786-7433)

Background: Forensic Pathologists. 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 or medical examiner or an employee of the office.

Washington State Forensics Investigations Council. The Washington State Forensics Investigations Council (WSFIC) oversees the Bureau of Forensic Laboratory Services and, in consultation with the chief of the Washington State Patrol or the chief's designee, control the operation and establish policies of the Bureau of Forensic Laboratory Services. Members are appointed by the Governor, and include but are not limited to a county coroner, county prosecutor, county medical examiner, and chief of police.

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 Washington Student Achievement Council (WSAC), in collaboration with the Department of Health (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. If the participant works less than a full-time work schedule, the employment is the prorated equivalent for up to five years. The programs differ in who is eligible, and what the eligible shortage areas are.

Summary of First Substitute Bill: The forensic pathologist loan repayment program is created for board certified forensic pathologists providing services for counties in identified shortage areas. The program shall be jointly administered by WSAC with input from WSFIC, for board-certified forensic pathologists who work in identified shortage areas of the state for four years. DOH may provide technical assistance to counties desiring to become sponsors as well as assist students applying for the program.

The Office of Student Financial Assistance must convene a planning committee consisting of WSAC, DOH, WSFIC, and other appropriate stakeholders to develop criteria for selection of participants in the program.

The program provides up to \$25,000 in loan repayment, per year per participant, for up to four years. Participants are required to complete their service obligation, or be required to repay the program. The repayment is equal to the unsatisfied portion of the service obligation, or the total amount paid by the program, whichever is less. Payment is due immediately, though a payment schedule with interest may be provided for those who cannot pay.

DOH, in consultation with WSFIC and other stakeholders, may provide technical assistance to counties desiring to become sponsoring communities for the purposes of identification of prospective students for the program. From the amounts appropriated for the program, DOH must enter into a contract for a two-year marketing plan advertising Washington State to potential board certified pathologists.

The Washington Association of Coroners and Medical Examiners must conduct a study of the critical shortage of board-certified forensic pathologists. The study must cover issues related to Conrad J-1 visa waivers, and measures to encourage enrollment in the state's

pathology residency programs. The study must provide recommendations on how to create two new forensic pathology fellow opportunities. A report with recommendations is due to 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.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute (Higher Education & Workforce Development): PRO: There is a shortage of forensic pathologists in Washington State, and it is impacting our communities. A robust forensic pathology community ensures timely and accurate autopsies. These inform programs and practices to identify trends in disease and death and serve as an important tool for preventing pandemic and endemic spread. For at least a decade, the number of board-certified forensic pathologists has been on the decline. Their average age has shifted from 55 to 60, and 90 percent are nearing retirement age. Washington needs about 25 accredited pathologists but there are only 18 in the state. The pipeline of individuals coming into this profession must be increased and those who are already in the profession must have the resources and the means to do the critical work of providing answers for death investigations. This bill will provide loan forgiveness to incentivize early career pathologists to come to this state. It ties the reimbursement to service. This reduces pressure to pay loans early so people can invest in homes and families.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Manka Dhingra, Prime Sponsor; Hayley Thompson, President of Washington Assoc. of Coroners and Medical Examiners; Timothy Grisham, Washington Association of County Officials; J. Matthew Lacy, MD, Snohomish County Medical Examiner; Warren McLeod, WA Association of Coroners and Medical Examiners / Lewis County Coroner.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill is critical help for the criminal justice system. It keeps in the field individuals who do this work and it alleviates costs. It's not easy to train and qualify to become a forensic pathologist and investments are needed. It's especially hard in rural areas. The study in the

bill will include a recommendation on how to create two new fellowships. This could be a potential investment in the future for new fellowships. We need to get training out of King County to other areas of the state. This is a workforce shortage issue. It will have a large impact for the dollars spent. This bill is important. The state is in danger of losing national accreditation.

Persons Testifying (Ways & Means): PRO: Senator Manka Dhingra, Prime Sponsor; William Leach, Benton County Coroner's Office; Ian Goodhew, UW Medicine; Michael Shaw, Washington Association of County Officials (WACO).

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Modifies the Forensic Pathology Loan Repayment Program to be under the umbrella of the Washington Health Corps instead of as a stand-alone program.
- Establishes eligibility criteria including that participant board certified forensic pathologists providing services in identified shortage areas.
- Establishes a maximum annual repayment amount of \$25,000, available for up to four years.