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**SUBSTITUTE SENATE BILL 5523**

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**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 68.50.104; reenacting and amending RCW 43.79A.040;  
3 adding a new chapter to Title 28B RCW; and creating a new section.

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

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

12 NEW SECTION. **Sec. 2.** The definitions in this section apply  
13 throughout this chapter unless the context clearly requires  
14 otherwise.

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

17 (2) "Department" means the Washington state department of health.

18 (3) "Identified shortage areas" means those areas where qualified  
19 forensic pathologists are in short supply because of geographic  
20 maldistribution or where vacancies exist that may compromise death

1 investigations. The council, with assistance from the department,  
2 shall determine shortage areas.

3 (4) "Loan repayment" means a loan that is paid in full or in part  
4 if the participant renders services as a qualified forensic  
5 pathologist as defined by the department.

6 (5) "Office" means the office of student financial assistance.

7 (6) "Participant" means a board-certified forensic pathologist  
8 who has commenced working in or is committed to working in identified  
9 shortage areas in the state of Washington for their required service  
10 obligation.

11 (7) "Required service obligation" means an obligation by the  
12 participant to provide services as a board-certified forensic  
13 pathologist in identified shortage areas as determined by the  
14 council. Participants must provide an additional 12 months of service  
15 after receipt of their last loan repayment.

16 (8) "Satisfied" means paid-in-full.

17 NEW SECTION. **Sec. 3.** (1) The forensic pathology loan repayment  
18 program is established for board-certified forensic pathologists  
19 providing services for counties in identified shortage areas.

20 (2) The office, with the council, shall:

21 (a) Select board-certified forensic pathology participants to  
22 participate in the forensic pathology repayment program;

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

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

26 (d) Publicize this program, to maximize participation by  
27 individuals in identified shortage areas;

28 (e) Solicit and accept grants and donations from the public and  
29 private resources for the program; and

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

33 NEW SECTION. **Sec. 4.** (1) The department, in consultation with  
34 the council and other pertinent stakeholders, may provide technical  
35 assistance to counties desiring to become sponsoring communities for  
36 the purposes of identification of prospective students for the  
37 forensic pathology loan repayment program, assisting prospective  
38 students to apply to an eligible education and training program,

1 making formal agreements with prospective students to provide  
2 services as a board-certified forensic pathologist, forming  
3 agreements between rural and underserved counties in a service area  
4 to share credentialed forensic pathology professionals, and  
5 fulfilling any matching requirements.

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

14 NEW SECTION. **Sec. 5.** The office shall establish a planning  
15 committee to assist in developing criteria for the selection of  
16 participants for the forensic pathology loan repayment program. The  
17 office shall include on the planning committee representatives of the  
18 department, the council, and other appropriate public and private  
19 agencies and organizations.

20 NEW SECTION. **Sec. 6.** (1) The department and the council, with  
21 the office, shall establish the annual loan repayment amount for each  
22 eligible board-certified forensic pathologist from the funds  
23 appropriated, based upon an assessment of reasonable eligible  
24 expenses involved in training and education up to \$25,000 annually.  
25 The awards shall not be paid for more than a total of four years per  
26 participant. The annual award amount shall be established by the  
27 office.

28 (2) Funds appropriated for the forensic pathologist loan  
29 repayment program, including reasonable administrative costs, may be  
30 used by the office for the purposes of loan repayments. The office  
31 shall annually establish the total amount of funding to be awarded  
32 for loan repayments and such allocations shall be established based  
33 upon the best utilization of funding for that year.

34 NEW SECTION. **Sec. 7.** Participants in the forensic pathologist  
35 loan repayment program who are awarded loan repayments shall receive  
36 payment for the purpose of repaying educational loans secured while

1 attending a program of training which led to a credential as a  
2 qualified forensic pathologist in the state of Washington.

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

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

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

13 (4) Repayment of loans established pursuant to the forensic  
14 pathologist loan repayment program shall begin no later than 90 days  
15 after the individual has become a participant. Payments shall be made  
16 quarterly, or more frequently if deemed appropriate by the office, to  
17 the participant until the loan is repaid or the participant becomes  
18 ineligible due to discontinued service in an identified shortage  
19 area, or after the required service obligation when eligibility  
20 discontinues, whichever comes first.

21 (5) Should the participant discontinue service in an identified  
22 shortage area, payments against the loans of the participants shall  
23 cease to be effective on the date that the participant discontinues  
24 service.

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

36 (7) The office is responsible for the collection of payments made  
37 on behalf of participants from the participants who discontinue  
38 service before completion of the required service obligation. The  
39 office shall exercise due diligence in such collection, maintaining  
40 all necessary records to ensure that the maximum amount of payment

1 made on behalf of the participant is recovered. Collection under this  
2 section shall be pursued using the full extent of the law, including  
3 wage garnishment if necessary.

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

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

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

11 NEW SECTION. **Sec. 8.** The forensic pathologist loan repayment  
12 account is created in the custody of the state treasurer. All  
13 receipts from the program must be deposited in the account. Only the  
14 office, or its designee, may authorize expenditures from the fund.  
15 The fund is subject to allotment procedures under chapter 43.88 RCW,  
16 but no appropriation is required for expenditures.

17 NEW SECTION. **Sec. 9.** The department of health shall contract  
18 with the Washington association of coroners and medical examiners to:  
19 Conduct a study of the critical shortage of board-certified forensic  
20 pathologists and recommend to the legislature what steps the state  
21 can take to foster a robust forensic pathology community. The study  
22 shall cover issues related to Conrad 30 J-1 visa waivers and measures  
23 to encourage enrollment in the University of Washington and  
24 Washington State University forensic pathology residency programs.  
25 This study must also include recommendations on how to create two new  
26 forensic pathology fellow slots, one in conjunction with the  
27 University of Washington and one in conjunction with Washington State  
28 University. The Washington association of coroners and medical  
29 examiners shall directly report its findings and recommendations to  
30 the governor and the appropriate committees of the legislature by  
31 October 1, 2024.

32 **Sec. 10.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022  
33 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read  
34 as follows:

35 (1) Money in the treasurer's trust fund may be deposited,  
36 invested, and reinvested by the state treasurer in accordance with  
37 RCW 43.84.080 in the same manner and to the same extent as if the

1 money were in the state treasury, and may be commingled with moneys  
2 in the state treasury for cash management and cash balance purposes.

3 (2) All income received from investment of the treasurer's trust  
4 fund must be set aside in an account in the treasury trust fund to be  
5 known as the investment income account.

6 (3) The investment income account may be utilized for the payment  
7 of purchased banking services on behalf of treasurer's trust funds  
8 including, but not limited to, depository, safekeeping, and  
9 disbursement functions for the state treasurer or affected state  
10 agencies. The investment income account is subject in all respects to  
11 chapter 43.88 RCW, but no appropriation is required for payments to  
12 financial institutions. Payments must occur prior to distribution of  
13 earnings set forth in subsection (4) of this section.

14 (4)(a) Monthly, the state treasurer must distribute the earnings  
15 credited to the investment income account to the state general fund  
16 except under (b), (c), and (d) of this subsection.

17 (b) The following accounts and funds must receive their  
18 proportionate share of earnings based upon each account's or fund's  
19 average daily balance for the period: The 24/7 sobriety account, the  
20 Washington promise scholarship account, the Gina Grant Bull memorial  
21 legislative page scholarship account, the Rosa Franklin legislative  
22 internship program scholarship account, the Washington advanced  
23 college tuition payment program account, the Washington college  
24 savings program account, the accessible communities account, the  
25 Washington achieving a better life experience program account, the  
26 Washington career and college pathways innovation challenge program  
27 account, the community and technical college innovation account, the  
28 agricultural local fund, the American Indian scholarship endowment  
29 fund, the behavioral health loan repayment program account, the  
30 forensic pathologist loan repayment account, the foster care  
31 scholarship endowment fund, the foster care endowed scholarship trust  
32 fund, the contract harvesting revolving account, the Washington state  
33 combined fund drive account, the commemorative works account, the  
34 county ((enhanced)) 911 excise tax account, the county road  
35 administration board emergency loan account, the toll collection  
36 account, the developmental disabilities endowment trust fund, the  
37 energy account, the energy facility site evaluation council account,  
38 the fair fund, the family and medical leave insurance account, the  
39 fish and wildlife federal lands revolving account, the natural  
40 resources federal lands revolving account, the food animal

1 veterinarian conditional scholarship account, the forest health  
2 revolving account, the fruit and vegetable inspection account, the  
3 educator conditional scholarship account, the game farm alternative  
4 account, the GET ready for math and science scholarship account, the  
5 Washington global health technologies and product development  
6 account, the grain inspection revolving fund, the Washington history  
7 day account, the industrial insurance rainy day fund, the juvenile  
8 accountability incentive account, the law enforcement officers' and  
9 firefighters' plan 2 expense fund, the local tourism promotion  
10 account, the low-income home rehabilitation revolving loan program  
11 account, the multiagency permitting team account, the northeast  
12 Washington wolf-livestock management account, the produce railcar  
13 pool account, the public use general aviation airport loan revolving  
14 account, the regional transportation investment district account, the  
15 rural rehabilitation account, the Washington sexual assault kit  
16 account, the stadium and exhibition center account, the youth  
17 athletic facility account, the self-insurance revolving fund, the  
18 children's trust fund, the Washington horse racing commission  
19 Washington bred owners' bonus fund and breeder awards account, the  
20 Washington horse racing commission class C purse fund account, the  
21 individual development account program account, the Washington horse  
22 racing commission operating account, the life sciences discovery  
23 fund, the Washington state library-archives building account, the  
24 reduced cigarette ignition propensity account, the center for deaf  
25 and hard of hearing youth account, the school for the blind account,  
26 the Millersylvania park trust fund, the public employees' and  
27 retirees' insurance reserve fund, the school employees' benefits  
28 board insurance reserve fund, the public employees' and retirees'  
29 insurance account, the school employees' insurance account, the long-  
30 term services and supports trust account, the radiation perpetual  
31 maintenance fund, the Indian health improvement reinvestment account,  
32 the department of licensing tuition recovery trust fund, the student  
33 achievement council tuition recovery trust fund, the tuition recovery  
34 trust fund, the Washington student loan account, the industrial  
35 insurance premium refund account, the mobile home park relocation  
36 fund, the natural resources deposit fund, the Washington state health  
37 insurance pool account, the federal forest revolving account, and the  
38 library operations account.

39 (c) The following accounts and funds must receive 80 percent of  
40 their proportionate share of earnings based upon each account's or

1 fund's average daily balance for the period: The advance right-of-way  
2 revolving fund, the advanced environmental mitigation revolving  
3 account, the federal narcotics asset forfeitures account, the high  
4 occupancy vehicle account, the local rail service assistance account,  
5 and the miscellaneous transportation programs account.

6 (d) Any state agency that has independent authority over accounts  
7 or funds not statutorily required to be held in the custody of the  
8 state treasurer that deposits funds into a fund or account in the  
9 custody of the state treasurer pursuant to an agreement with the  
10 office of the state treasurer shall receive its proportionate share  
11 of earnings based upon each account's or fund's average daily balance  
12 for the period.

13 (5) In conformance with Article II, section 37 of the state  
14 Constitution, no trust accounts or funds shall be allocated earnings  
15 without the specific affirmative directive of this section.

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

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

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

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

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

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

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

37 (b) When the county bears the cost of an autopsy of a child under  
38 the age of three whose death was sudden and unexplained, the county  
39 shall be reimbursed for the expenses of the autopsy when the death



1 scene investigation and the autopsy have been conducted under RCW  
2 43.103.100 (4) and (5), and the autopsy has been done at a facility  
3 designed for the performance of autopsies.

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

7 (4) Where the county coroner's office or county medical  
8 examiner's office is not accredited pursuant to RCW 36.24.210, or a  
9 coroner, medical examiner, or other medicolegal investigative  
10 employee is not certified as required by RCW 36.24.205 and  
11 43.101.480, the state treasurer's office shall withhold 25 percent of  
12 autopsy reimbursement funds until accreditation under RCW 36.24.210  
13 or compliance with RCW 36.24.205 and 43.101.480 is achieved.

14 NEW SECTION. **Sec. 12.** Sections 1 through 8 of this act  
15 constitute a new chapter in Title 28B RCW.

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