



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 7 -- NOTICE OF AN EMERGENCY RULE (Page 1)

AGENCY	Higher Education Policy Commission			
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES 133-58
RULE NAME	Nursing Scholarship Program			

CITE AUTHORITY 18B-1-6

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

18C-3-4 requires the Higher Education Policy Commission to file an Emergency Rule by August 1, 2014 to implement the Nursing Scholarship Program.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



Rule Id: 9589



Document: 26107



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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 1)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No
RULE NAME	Nursing Scholarship Program	TITLE-SERIES	133-58

CITE AUTHORITY **18B-1-6**

DATE OF FILING
Friday, August 01, 2014

STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE
18B-1-6 and 18C-3-4

DATE OF FILING OF PROPOSED LEGISLATIVE RULE
Friday, August 01, 2014

DOES THE EMERGENCY RULE ADOPT NEW LANGUAGE OR DOES IT AMEND OR APPEAL A CURRENT LEGISLATIVE RULE?

Yes

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND EXPIRED?

No

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE EMERGENCY RULE NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH, SAFETY OR WELFARE.

18C-3-4 requires the Commission to promulgate an Emergency Rule by August 1, 2014 to implement the Nursing Scholarship Program.

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 9 -- EMERGENCY RULE QUESTIONNAIRE (Page 2)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No
RULE NAME	Nursing Scholarship Program	TITLE-SERIES	133-58

CITE AUTHORITY **18B-1-6**

IF THE EMERGENCY RULE WAS PROMULGATED IN ORDER TO COMPLY WITH A TIME LIMIT ESTABLISHED BY THE CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN.

18C-3-4. August 1, 2014.

STATE, WITH PARTICULARITY, THOSE FACTS AND CIRCUMSTANCES WHICH MAKE THE EMERGENCY RULE NECESSARY TO PREVENT SUBSTANTIAL HARM TO THE PUBLIC INTEREST.

In order to implement the scholarship program for 2014 Fall semester, required to file rule as an Emergency Rule.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No TITLE-SERIES 133-
RULE NAME	Nursing Scholarship Program		58

CITE AUTHORITY 18B-1-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

No impact.

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Higher Education Policy Commission**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **133-58**
RULE NAME **Nursing Scholarship Program**

CITE AUTHORITY **18B-1-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST			0
PERSONAL SERVICES			0
CURRENT EXPENSES			0
REPAIRS AND ALTERATIONS			0
ASSETS			0
OTHER			0

ESTIMATED
TOTAL REVENUES

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No
RULE NAME	Nursing Scholarship Program	TITLE-SERIES	133-58

CITE AUTHORITY 18B-1-6

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

No fiscal impact.

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No
RULE NAME	Nursing Scholarship Program	TITLE-SERIES	133-58

CITE AUTHORITY 18B-1-6

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Higher Education Policy Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No TITLE-SERIES 133-58
RULE NAME	Nursing Scholarship Program		

CITE AUTHORITY 18B-1-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Establishes Nursing Scholarship Program for nurses who practice in hospitals and other health care instituitons or teach in state nursing programs.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-58



Rule Id: 9589



Document: 26107

**TITLE 133
EMERGENCY RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 58
NURSING SCHOLARSHIP PROGRAM**

§133-58-1. General.

1.1. Scope.--This rule establishes guidelines and procedures which will direct the operation of the Nursing Scholarship Program.

1.2. Authority. --West Virginia Code §18B-1-6 and §18C-3-4.

1.3. Filing Date. --

1.4. Effective Date. --

§133-58-2. Purpose.

2.1. This rule provides financial aid to nursing professionals and students who agree to practice in hospitals and other health care institutions or teach in state nursing programs in West Virginia.

§133-58-3. Funding and Administration.

3.1. A special revenue account known as the Center for Nursing Fund in the State Treasury is to be administered by the Vice Chancellor for Administration under the West Virginia Higher Education Policy Commission (Commission). In addition to the provision contained in West Virginia Code §30-7B-2 allowing the Center for Nursing to utilize the account to perform its duties, the account shall be used by the Commission to fund awards for the Nursing Scholarship Program for students in nursing programs. The account is funded from the following sources:

3.1.a A supplemental licensure fee, not to exceed \$10 per year, to be paid by all nurses licensed by the Board of Examiners for Registered Professional Nurses.

3.1.b. Repayments, including interest as set by the Vice Chancellor for Administration, collected from recipients who fail to practice or teach in West Virginia under the terms of the scholarship agreement; and

3.1.c. Any other funds from any source as may be added to the account.

3.2. The Vice Chancellor for Administration in consultation with the board of directors of the West Virginia Center for Nursing shall be responsible for awarding scholarships to nursing students and for collecting scholarship repayments.

§133-58-4. Eligibility Criteria.

4.1. In order to be eligible for the licensed practical nurse (LPN) or registered nurse (RN) scholarship award, an applicant must meet the following minimum requirements:

4.1.a. Enrollment in an accredited West Virginia LPN or RN program.

4.1.b. Be in good academic standing with his or her academic institution.

4.1.c. For the LPN award, have completed at least fifty (50) percent of the curriculum required to receive an LPN diploma.

4.1.d. For the RN award, have completed at least fifty (50) percent of the curriculum required to receive an RN degree.

4.1.e. For the LPN award, sign an agreement to work as a LPN in West Virginia for one (1) year following completion of program.

4.1.f. For the RN award, sign an agreement to teach or work as a RN in West Virginia for two (2) years following completion of program.

4.2. In order to be eligible for the nursing education master's degree or doctoral nursing scholarship award, an applicant must meet the following minimum requirements:

4.2.a. Be employed as an educator in a West Virginia school of nursing.

4.2.b. Be accepted into a master's degree nursing program or accepted into an approved doctoral program at the time of application.

4.2.c. Be continuously employed as an educator in a West Virginia school of nursing while pursuing his or her master's or doctoral degree.

4.2.d. Sign an agreement to teach in a West Virginia school of nursing for two (2) years following completion of the program.

4.3. In order to be eligible for the LPN teaching certificate scholarship award, an applicant must meet the following minimum requirements:

4.3.a. Be accepted into an West Virginia LPN teaching certificate program.

4.3.b. Be continuously employed as an LPN educator by a West Virginia LPN program while pursuing his or her LPN teaching certificate.

4.3.c. Sign an agreement to teach for one (1) year upon completion of the LPN teaching certificate program in a West Virginia LPN program.

§133-58-5. Application Process.

5.1. A student must apply for the award utilizing the Commission's application process, which may include the submission of an application, letters of recommendation, academic transcripts, and programmatic and financial information related to the student's academic program.

§133-58-6. Selection Process.

6.1. The Vice Chancellor for Administration, in consultation with a Nursing Program Scholarship application review committee administered by the West Virginia Center for Nursing, shall select recipients for the Nursing Scholarship Program.

6.2. The number of awards will be determined by the availability of funds in the program in any given program cycle.

6.3. Priority for scholarships shall be given to in-state residents.

6.4. Applicants who previously received an award from the Nursing Scholarship Program are eligible to reapply for the scholarship in subsequent program cycles.

6.5. Awards will be processed without regard to age, gender, race, disability, national origin, sexual orientation, veteran's status or religion.

6.6. Nothing in this rule shall be construed as granting or guaranteeing any applicant any right to such a scholarship.

§133-58-7. Scholarship Award Levels.

7.1. Scholarship awards are available for students enrolled in accredited nursing programs in West Virginia. An award for any student may not exceed the full cost of education for program completion. The maximum amount for individual awards is as follows:

7.1.a. An award of up to \$3,000 for a student in a licensed practical nurse education program. A recipient is required to practice nursing in West Virginia for one (1) year following program completion.

7.1.b. An award of up to \$7,500 for a student who has completed (at least) one-half of a registered nurse education program. A recipient is required to teach or practice nursing in West Virginia for two (2) years following program completion.

7.1.c. An award of up to \$15,000 for a student in a nursing education master's degree program or a doctoral nursing program. A recipient is required to teach in West Virginia for two (2) years following program completion.

7.1.d. An award of up to \$1,000 per year for a student obtaining a licensed practical nurse teaching certificate. A recipient is required to teach in West Virginia for one (1) year per award received.

§133-58-8. Scholarship Provisions and Agreement.

8.1. Each scholarship recipient must be willing to sign a scholarship agreement, which shall fully disclose the terms and conditions under which a recipient is required to teach or practice nursing in West Virginia. No Nursing Scholarship Program funds will be disbursed until a signed agreement has been received by the Vice Chancellor for Administration.

8.2. The scholarship agreement shall contain the following provisions:

8.2.a. The recipient will agree to teach or practice nursing in West Virginia for the period of time established by this rule. It is the recipient's responsibility to provide the Vice Chancellor for Administration with evidence of compliance with the teaching and/or nurse practicing requirements.

8.2.b. Upon completion of his or her training, a recipient will receive a grace period of up to six months to locate employment that qualifies for the service requirement.

8.2.c. If a recipient fails to complete his or her training or fails to teach or practice nursing as required by the scholarship agreement, he or she will be required to make monetary repayment of the scholarship.

8.2.d. A recipient who receives an award in multiple award cycles from the Nursing Scholarship Program may not concurrently complete the service requirements associated with the awards.

§133-58-9. Repayment of Scholarship.

9.1. If a recipient does not fulfill the service requirement, he or she shall be obligated to repay to the Commission the principal and the interest that accrues on his or her scholarship award. The recipient will enter into a repayment agreement with the Commission governing the terms of his or her repayment. Interest will be charged at a rate prescribed by the Vice Chancellor for Administration and will begin to accrue at the time the repayment period begins.

9.2. If a recipient fails to complete his or her training, interest will accrue from the day on which the recipient withdrew from his or her training program.

9.3. If a recipient fulfills a portion of the service requirement, interest will accrue from the day on which the recipient ceased to fulfill the service requirement.

9.4. In the event a recipient fails to fulfill the training or service requirements, payment in full will normally be expected sixty (60) days from the date of non-compliance. In the event of extenuating circumstances, the Vice Chancellor for Administration may approve an alternate payment plan.

9.5. The repayment period may be extended during periods of deferment.

9.6. As permitted by federal law, applicable state regulations, and the terms of the scholarship agreement, the Vice Chancellor for Administration may assess reasonable collection costs, late charges and attorney fees to delinquent accounts.

9.7. The Commission shall exercise due diligence in the collection of amounts owed. Accounts more than one hundred and twenty (120) days past due may be referred to a collection agency and delinquent amounts may be reported to a credit bureau.

§133-58-10. Forgiveness.

10.1. In the event of a recipient's death or documented permanent and total disability, the unpaid amount of the repayment (principal, interest and any collection costs, late charges, and attorney fees) shall be forgiven.

10.2. To be eligible for forgiveness, a recipient or the recipient's estate must apply for and receive approval from the Vice Chancellor for Administration.

§133-58-11. Deferment.

11.1. To be eligible for a deferment, a recipient must apply for and receive approval from the Vice Chancellor for Administration. A deferment may be granted for periods of documented enrollment and

attendance as a regular student in a full-time course of study at an accredited institution of higher education or for during documented active duty service, not in excess of four years, as a member of the armed services of the United States. Deferments also may be considered for other conditions and circumstances including documented disability, unemployment, or other economic hardship.

11.2. If the Vice Chancellor for Administration approves the deferment request, a student may defer making scheduled installment payments and will not be liable for any interest that might otherwise accrue during any period that he or she is enrolled and attending as a regular student in a full-time course of study at an accredited institution of higher education or while serving on active duty, not in excess of four (4) years, as a member of the armed services of the United States.

11.3. In the event of non-compliance with the deferment terms, payment in full is due sixty (60) days from the date of non-compliance. In the event of extenuating circumstances, the Vice Chancellor for Administration may approve an alternate payment plan.

§133-58-12. Appeal.

12.1. An applicant may appeal in writing the denial of an initial award or renewal award or any other decision within fifteen (15) days of receiving notification to the Senior Director of Financial Aid. The Director may consult with an appeals committee comprised of financial aid staff, and the Director shall issue a written decision upholding or reversing the initial decision within fifteen (15) days of receipt of the appeal.

12.2. An applicant or institution may further appeal in writing the decision of the Senior Director of Financial Aid within fifteen (15) days of receipt of notification of the decision to the Vice Chancellor for Administration. The Vice Chancellor for Administration shall issue a written decision upholding or reversing the Director's decision within twenty (20) days of receipt of the appeal.

12.3. Any appeal made should set forth in detail the grounds for the appeal. The decision rendered at each level shall address in writing each ground raised.