



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-58
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: 133-58 Nursing Scholarship Program

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 18B-1-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

N/A

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

E-mail notification to constituents.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Establishes guidelines and procedures for the operation of the Nursing Scholarship Program.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Provides guidance on the administration and operation of the Nursing Scholarship Program.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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 133
LEGISLATIVE 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. -- ~~June 8, 2016.~~

1.4. Effective Date.-- ~~June 8, 2016.~~

1.5. ~~Modification of Existing Rule: Title 133, Series 58, Legislative Rule of the West Virginia Higher Education Policy Commission dated May 3, 2015. Sunset Provision: This rule shall terminate and have no further force or effect on August 1, 2029.~~

§133-58-2. ~~Purpose. Definitions.~~

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. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-1-2 and 18C-3-3 apply to this rule in addition to the definitions set forth below.~~

2.2. “Accredited nursing program” means that an institution of higher education’s programs for the prelicensure education of professional or practical nurses have been validated and meet established professional standards for academic quality as adopted by a national nursing accreditation body recognized by the U.S. Department of Education.

2.3. “Applicant” means a student who has applied for an initial award or renewal award of a Nursing Scholarship, but has not yet been awarded the scholarship.

2.4. “Approved nursing program” means that an institution of higher education’s programs for the prelicensure education of professional or practical nurses meet the requirements and otherwise comply with the standards established by the West Virginia Board of Professional Nurses in W. Va. Code § 30-7-1, et seq. or the West Virginia Board of Practical Nurses in W. Va. Code § 30-7A-1, et seq.

2.5. “Recipient” means a person who has been awarded a Nursing Scholarship in accordance with the terms of this rule and the Scholarship Agreement set forth in Section 8 of this rule.

2.6. “Vice Chancellor” means the Vice Chancellor for Administration, as that position is described in W. Va. Code § 18B-4-2, or his or her designee.

§133-58-3. ~~Funding and Administration. [Reserved].~~

~~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 or doctoral education 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 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. 4.1.1. Enrollment in an accredited or approved West Virginia LPN or pre-licensure RN or graduate program leading to a career as a practicing nurse or nursing educator.~~

~~4.1.b. 4.1.2. Be in good academic standing with his or her academic institution of higher education or academic program.~~

~~4.1.c. 4.1.3. For the LPN award, have completed at least fifty (50) percent of the curriculum required to receive an LPN diploma. For students enrolled in pre-licensure programs, completion of half of the required nursing credits for that program.~~

~~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. 4.1.4. For the LPN award, sign an agreement to work as an LPN in West Virginia for one (1) year following completion of the program for every year of the award.~~

~~4.1.f. 4.1.5. For the RN award, sign an agreement to teach or work as a RN in West Virginia for two (2) years following completion of the program for every year of the award.~~

4.2. In order to be eligible to use the Nursing Scholarship for ~~the~~ a graduate level nursing master's degree or doctoral nursing or education scholarship award program, an applicant must meet the following minimum requirements:

~~4.2.a. 4.2.1. Be employed as an educator in a West Virginia~~ an accredited school of nursing and be continuously employed as a nursing educator while receiving the award.

~~4.2.b. 4.2.2.~~ Be accepted into a master's degree nursing program or ~~accepted into an approved~~ doctoral nursing or education program at a State institution of higher education at the time of application.

~~4.2.e. 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. 4.2.3.~~ Sign an agreement to teach in a West Virginia school of nursing for two ~~(2)~~ years following completion of the education program for every year of award.

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. 4.3.1.~~ Be accepted into coursework in a West Virginia LPN teaching certificate program to meet the LPN Teaching Certificate requirements.

~~4.3.b. 4.3.2.~~ Be continuously employed as an LPN educator by a West Virginia LPN program while pursuing ~~his or her the~~ LPN teaching certificate.

~~4.3.e. 4.3.3.~~ Sign an agreement to teach for one ~~(1)~~ year upon completion of the LPN teaching certificate program in a West Virginia LPN program for every year of award.

§133-58-5. Application Process.

5.1. A student ~~must shall~~ apply for the award ~~utilizing using~~ 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 a form prescribed by the Vice Chancellor.~~

5.2. The application may require submission of information including, but not limited to, the following: physical and mailing addresses and other contact information; proof of West Virginia residency; institution attending or planning to attend; institutional program of study; and information concerning previous Nursing Scholarship or other State financial aid awards and service obligations.

§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 the Health Sciences Advisory Committee,~~ shall select recipients for the Nursing Scholarship Program.

6.2. The Commission shall determine the number of awards will be determined by based on the availability of funds in the program in any given program cycle.

~~6.3. Priority for scholarships shall be given~~ The Commission shall give priority to in-state residents in awarding scholarships.

6.4. ~~Applicants who previously received an award from the Nursing Scholarship Program are eligible to reapply for the scholarship in subsequent program cycles. Recipients of the Nursing Scholarship may reapply for it each year they are eligible to receive it.~~

6.5. The Vice Chancellor shall process Awards will be processed scholarship applications 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 or recipient any right to ~~such~~ a scholarship.

§133-58-7. Scholarship Award Levels. [Reserved].

~~7.1. Scholarship awards are available for students enrolled in accredited nursing programs and doctoral education 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 or education 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 and Service Verification.

8.1. Each scholarship recipient ~~must be willing to~~ shall 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~~ The Vice Chancellor may not disburse Nursing Scholarship Program funds ~~will be disbursed until he or she has received~~ a signed agreement ~~has been received by the Vice Chancellor for Administration from the applicant.~~

8.2. The scholarship agreement shall contain the following provisions:

~~8.2.a. 8.2.1.~~ The recipient ~~will~~ shall 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 practice~~ requirements through the service verification process.

~~8.2.b. 8.2.2.~~ 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 fulfillment of the service requirement.

~~8.2.c. 8.2.3.~~ If a recipient fails to complete ~~his or her~~ training or fails to ~~teach or practice nursing~~ timely provide verification of fulfillment of the service requirement 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~~ is obligated to repay to the Commission the principal and the interest that accrues on ~~his or her~~ the scholarship award. The recipient

~~will shall~~ enter into a repayment agreement with the Commission governing the terms of ~~his or her~~ repayment. The Vice Chancellor shall charge interest will be charged at a the then-current rate prescribed by the Vice Chancellor for Administration Administrative Office of the West Virginia Supreme Court of Appeals, and will Interest shall begin to accrue at the time the repayment period begins.

9.2. If a recipient fails to complete ~~his or her training~~ the course of study funded by the Nursing Scholarship, interest will on repayment shall accrue from the day on which the recipient withdrew from ~~his or her training the nursing program.~~

9.3. If a recipient fulfills a portion of, but not the entire, the service requirement due under the scholarship agreement, interest will on repayment shall 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 education or service requirements ~~due under the scholarship agreement,~~ payment in full will normally be expected the recipient shall repay the Commission the full amount of the scholarship awarded within 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. If extenuating circumstances exist, the Vice Chancellor may, upon receipt of documentation sufficient to demonstrate the circumstance, extend the repayment period from 60 days to 120 days. Extenuating circumstances include, but are not limited to, the recipient's temporary illness, injury, or disability; inability to secure a full-time position in a nursing or nursing education field; or serious family illness.

9.5. ~~The repayment period may be extended during periods of deferment.~~ At any time during the repayment period described herein, the Vice Chancellor may grant forbearance to the recipient in order to prevent the recipient from defaulting on the repayment obligation or to permit the recipient to resume honoring the repayment obligation after default.

9.5.1. For purposes of this Section, "forbearance" means permitting the temporary cessation of payments, allowing an extension of time for making payments, or temporarily accepting smaller payments than previously were scheduled.

9.5.2. The Vice Chancellor may grant forbearance of payments of principal and interest under this Section only if he or she reasonably believes, based upon documentation or other evidence provided by the recipient, that the recipient intends to repay the obligation but, due to poor health or other extenuating circumstances, is currently unable to make the scheduled payments.

9.6. As permitted by federal and State 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 Vice Chancellor shall exercise due diligence in the collection of amounts owed. Accounts and refer accounts more than 120 days past due may be referred to a collection agency and delinquent amounts may be reported to a credit bureau to the Secretary of the Department of Administration or to a collection agent for collection of a claim due to the State in accordance with W. Va. Code § 14-1-1, et seq.~~

§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. A recipient's service or repayment obligation is excused in the event the recipient:

10.1.1. Becomes permanently and totally disabled as documented by the sworn affidavit of a physician qualified to make such a determination submitted to the Vice Chancellor; or

10.1.2. Dies during the obligation period. The administrator or executor of the recipient's estate shall submit a copy of the death certificate to the Vice Chancellor.

10.2. To be eligible for forgiveness of the service or repayment obligation, a recipient or the recipient's estate ~~must apply for and receive approval from~~ shall submit the required documentation to 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. The Vice Chancellor may grant ~~A~~ a deferment ~~may be granted to a recipient~~ 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 periods of documented active duty service, not in excess of four years,~~ as a member of the armed services of the United States; Provided, That the period of deferment shall not exceed four years. The Vice Chancellor may also grant a deferment to a recipient who fails a licensure examination on the first attempt; Provided, That the period of deferment shall not exceed six months from the recipient's graduation date. The Vice Chancellor may also grant ~~Deferments also may be considered~~ for other ~~conditions and~~ extenuating circumstances including documented disability, unemployment, or other economic hardship; Provided, That any deferment granted by the Vice Chancellor shall be limited to no more than two years.

11.2. If the Vice Chancellor for Administration approves the deferment request, a ~~student recipient~~ recipient may defer making scheduled installment payments and ~~will~~ shall not be liable for any interest that might otherwise accrue during any approved deferment 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~~ the recipient shall repay the full scholarship award to the Commission within 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 to the Vice Chancellor the denial of an application for an initial award or renewal award or any other decision within 15 days of receiving written notification to the Senior Director of Financial Aid of the decision. The ~~Director may consult with an appeals committee comprised of financial aid staff, and the Director~~ Vice Chancellor shall issue a written decision upholding or reversing the initial decision within 15 days of receipt of the appeal. The decision of the Vice Chancellor is final.

12.2.—An applicant or institution may further appeal in writing ~~the decision of the Senior Director of Financial Aid within 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 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.~~