



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Higher Education Policy Commission

TITLE-SERIES: 133-58

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Nursing Scholarship Program

CITE STATUTORY AUTHORITY: 18B-1-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 547

Section 18B-17-2(bbb) Passed On 2/12/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 29, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

**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. -- February 29, 2024.

1.4. Effective Date. -- March 29, 2024.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

**§133-58-2. Definitions.**

2.1. 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. [Reserved].**

**§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:

4.1.1. 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.

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

4.1.3. For students enrolled in pre-licensure programs, completion of half of the required nursing credits for that program.

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

4.1.5. For the RN award, sign an agreement to teach or work as a RN in West Virginia for two 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 a graduate level nursing or nursing education program, an applicant must meet the following minimum requirements:

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

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

4.2.3. Sign an agreement to teach in a West Virginia school of nursing for two 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:

4.3.1. Be accepted into coursework in West Virginia to meet the LPN Teaching Certificate requirements.

4.3.2. Be continuously employed as an LPN educator by a West Virginia LPN program while pursuing the LPN teaching certificate.

4.3.3. Sign an agreement to teach for one 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 shall apply for the award using 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 the Health Sciences Advisory Committee, shall select recipients for the Nursing Scholarship Program.

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

6.3. The Commission shall give priority to in-state residents in awarding scholarships.

6.4. Recipients of the Nursing Scholarship may reapply for it each year they are eligible to receive it.

6.5. The Vice Chancellor shall process 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 a right to a scholarship.

**§133-58-7. [Reserved].**

**§133-58-8. Scholarship Agreement and Service Verification.**

8.1. Each scholarship recipient shall sign a scholarship agreement, which fully discloses the terms and conditions under which a recipient is required to teach or practice nursing in West Virginia. The Vice Chancellor may not disburse Nursing Scholarship Program funds until he or she has received a signed agreement from the applicant.

8.2. The scholarship agreement shall contain the following provisions:

8.2.1. The recipient 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 practice requirements through the service verification process.

8.2.2. Upon completion of training, a recipient will receive a grace period of up to six months to locate employment that qualifies for fulfillment of the service requirement.

8.2.3. If a recipient fails to complete training or fails to timely provide verification of fulfillment of the service requirement as required by the scholarship agreement, he or she will be required to repay the scholarship.

**§133-58-9. Repayment of Scholarship.**

9.1. If a recipient does not fulfill the service requirement, he or she is obligated to repay to the Commission the principal and the interest that accrues on the scholarship award. The recipient shall enter into a repayment agreement with the Commission governing the terms of repayment. The Vice Chancellor shall charge interest at the then-current rate prescribed by the Administrative Office of the West Virginia Supreme Court of Appeals. Interest shall begin to accrue at the time the repayment period begins.

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

9.3. If a recipient fulfills a portion of, but not the entire, service requirement due under the scholarship agreement, interest 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 education or service requirements the recipient shall repay the Commission the full amount of the scholarship awarded within 60 days from the date of non-compliance. 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. 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 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 Vice Chancellor shall exercise due diligence in the collection of amounts owed and refer accounts more than 120 days past due 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. 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 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 deferment 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 periods of documented active duty service 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 for other extenuating circumstances including documented

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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 recipient may defer making scheduled installment payments and shall not be liable for any interest that might otherwise accrue during any approved deferment period.

11.3. In the event of non-compliance with the deferment terms, the recipient shall repay the full scholarship award to the Commission within 60 days from the date of non-compliance.

**§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 within 15 days of receiving written notification of the decision. The 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.