

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Baccalaureate Assistance for Registered Nurses
- 2) Code Citation: 77 Ill. Adm. Code 595
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
595.10	Repeal
595.100	Repeal
595.110	Repeal
595.200	Repeal
595.210	Repeal
595.300	Repeal
595.310	Repeal
595.320	Repeal
- 4) Statutory Authority: Implementing and authorized by the Baccalaureate Assistance Law for Registered Nurses [110 ILCS 915]
- 5) A Complete Description of the Subjects and Issues Involved: These rules implemented the Baccalaureate Assistance Law for Registered Nurses, which has been repealed. The Nursing Education Scholarship Law [110 ILCS 975] has been enacted to replace the repealed law, and new rules (Nursing Education Scholarships -- 77 Ill Adm. Code 597) have been adopted.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This repealer does not create or expand a State mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Repeal of these rules will not have an impact on the health care delivery system. The objectives of this program are being served by another program.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

The full text of the Proposed Repealer begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 595

BACCALAUREATE ASSISTANCE FOR REGISTERED NURSES [\(REPEALED\)](#)

SUBPART A: INTRODUCTION

Section
595.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
595.100 Eligibility
595.110 Application

SUBPART C: AWARD OF LOANS

Section
595.200 Criteria for Award of Loans
595.210 Determination of Financial Need

SUBPART D: TERMS OF PERFORMANCE

Section
595.300 Contract
595.310 Repayment of Loan
595.320 Forgiveness of Loan

595.APPENDIX A Illinois Baccalaureate Nursing Assistance Program Contract (Repealed)
595.APPENDIX B Illinois Baccalaureate Nursing Assistance Program Contract for
 Repayment (Repealed)

AUTHORITY: Implementing and authorized by the Baccalaureate Assistance Law for Registered Nurses (Ill. Rev. Stat. 1991, ch. 144, pars. 1401 et seq.) [110 ILCS 915].

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SOURCE: Emergency rules adopted at 8 Ill. Reg. 12689, effective June 28, 1984, for a maximum of 150 days, modified in response to objections of the Joint Committee on Administrative Rules at 8 Ill. Reg. 17939, effective September 14, 1984, for a period not to exceed the 150 day maximum effective period of the emergency rules; adopted at 8 Ill. Reg. 22874, effective November 13, 1984; amended at 12 Ill. Reg. 3757, effective February 1, 1988; amended at 15 Ill. Reg. 17349, effective November 15, 1991; amended at 17 Ill. Reg. 13746, effective August 10, 1993; repealed at 33 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 595.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year (Section 3 of the Law).

"Approved Institution" means a college or university located in this State which has National League for Nursing accreditation for the baccalaureate degree program in nursing (Section 3 of the Law). "Approved Institution" also means a college or university in this State which has National League for Nursing accreditation for its graduate post-baccalaureate degree program in nursing.

"Baccalaureate Assistance Law for Registered Nurses" or "Law" means 110 ILCS 915 (Ill. Rev. Stat. 1991, ch. 144, pars. 1401 et seq.).

"Board" means the Board of Higher Education created by the Board of Higher Education Act (Section 3 of the Law).

"Department" means the Illinois Department of Public Health (Section 3 of the Law).

"Director" means the Director of the Illinois Department of Public Health (Section 3 of the Law).

"Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status (Section 3 of the Law).

"Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

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"Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students.

"Part-time student" means a student who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

"Permanent legal residence" means the applicant's permanent home address.

"Professional nursing practice" means any type of nursing practice that is included in the definition of the practice of registered professional nursing in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65].

"Qualified for admission" means that a student has completed the requirements for entry into the baccalaureate nursing program at the approved institution, as documented by the institution.

"Regions" means the official and uniform state planning and administrative regions established by the Governor by Executive Order No. 71-7 (Section 3 of the Law).

"Registered Nurse" or "Professional Nurse" means a nurse holding a valid existing license in good standing as a registered professional nurse issued by the Department of Professional Regulation under the Illinois Nursing Act of 1987 (Section 3 of the Law).

"School term" means an academic term, such as a semester, quarter, or trimester, as defined by the approved institutions.

"Student in good standing" means a student maintaining at least a "C" average.

"Substantially Full-time Academic Work" means enrollment for the number of hours required per term by a school for its full-time students.

"Substantially Full Working Time" means at least 24 hours per week for those persons working weekend shifts, or 35 hours per week for those working weekday shifts.

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"Substantially Half-time Academic Work" means enrollment for at least one-third of the number of hours required per term by a school for its full-time students.

"Substantially Half Working Time" means 17.5 hours or more per week.

"Total and permanent disability" means a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs the ability of an individual to engage in the practice of professional nursing or to engage in graduate post-baccalaureate studies in nursing as evidenced by a written statement from the individual's attending physician.

"Tuition" means the established charges of an institution of higher learning for instruction at that institution.

SUBPART B: ELIGIBILITY AND APPLICATION

Section 595.100 Eligibility

To be eligible to receive a loan under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Law (Ill. Rev. Stat. 1989, ch. 144, par. 1405) which states that an applicant must:

- a) *be a registered nurse;*
- b) *have had one year of permanent legal residence in Illinois;*
- c) *be enrolled in a baccalaureate degree program in professional nursing in an approved institution or present written assurance from an approved institution of being qualified for admission to the baccalaureate program in professional nursing; and*
- d) *Have financial resources such that, in the absence of scholarship aid, applicant will be deterred by financial considerations from completing the baccalaureate program in professional nursing at an approved institution.*

Section 595.110 Application

- a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from

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the Department. Applications submitted must include:

- 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or state income tax return filed the year prior to application, or a copy of a utility bill from one year prior to the application with the address indicated, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State
 - 2) proof of applicant's enrollment in or qualification for admission to an approved baccalaureate nursing program, documented by academic advisor's signature on a form included in the application packet
 - 3) a copy of applicant's current registered nurse license
 - 4) information about other sources of financial aid, including tuition reimbursement from employer(s).
- b) An applicant will be deemed to be "*deterred by financial considerations from completing the baccalaureate program in professional nursing*" if analysis of his/her financial data, according to the formula in Section 595.210, indicates a level of financial need that is greater than zero (Section 5 of the Law).
- c) Information requested on the application form other than the information listed in Section 595.110(a) will be used for statistical and program evaluation purposes only, and shall not be used as criteria for determination of loan awards. Decisions regarding award of loans will be based upon the provision of information specified in Section 595.110(a) and the criteria in Sections 595.100 and 595.200 of this Part.
- d) Applicants must sign the application form providing for a release of information for the Department to verify any and all statements in the application as necessary.
- e) Incomplete applications and those received after application deadlines will not be considered for loan awards.

SUBPART C: AWARD OF LOANS

Section 595.200 Criteria for Award of Loans

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- a) Loans for tuition and loans for expenses will be awarded by the Department through approved institutions. Loans will be awarded to eligible students who agree to the provisions of the contract, selected based on fulfilling the eligibility requirements as outlined in Section 595.100 of this Part. *The Department shall allocate the loans by region according to the region's proportionate share of the total number of registered nurses in that region as last certified by the Department of Professional Regulation. Any loan not used in one region may be allocated to another region* (Section 6 of the Law). Any available funding shall be reallocated evenly among all regions in the insufficient funds necessary to fulfill all applications. When the number of eligible applicants exceeds the amount of loan funds to be awarded, all applications shall be ranked according to the following criteria:
- 1) receipt of loan funds in the previous academic year; and
 - 2) least number of hours remaining to complete the Bachelor's of Science in Nursing (BSN) degree.
- b) Loan awards shall be made for up to \$2,000 for tuition and fees per year for the part-time recipient. The maximum loan amount is \$4,000 for tuition and fees for the total time recipient may take to complete the degree.
- c) Recipients enrolled on a full-time basis shall receive a living expense stipend of up to \$2,500 per year in addition to the tuition and fees award. The maximum loan amount is \$5,000 for living expenses for the total time recipient may take to complete the degree.
- d) The amount of the loan funds paid to an approved institution on behalf of the recipient is based on the payment request form submitted each school term by the financial aid office at the institution. The recipient's tuition/fee amount less any other federal or state gift assistance is entered on the form as well as the number of hours of enrollment. Tuition/fee amounts are paid according to these figures up to the annual maximum and, if enrollment is reported as full-time, a living expense stipend is paid according to the following definitions:
- 1) two (2) semesters are equivalent to an academic year and each semester of full-time enrollment warrants a stipend of \$1,250.

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- 2) three (3) quarters or trimesters are equivalent to an academic year and each quarter/trimester warrants a stipend of \$833.

Section 595.210 Determination of Financial Need

- a) Financial need will be determined by subtracting the student's financial resources, consisting of all gift assistance from the college budget submitted by the institution the student will attend.
 - 1) The "college budget" is comprised of tuition, fees and college living expenses as determined by the institution the applicant will attend.
 - 2) "Gift assistance" is the total of all other financial aid awarded to a student such as scholarships, grants and loans, including tuition reimbursement from employers.
- b) After applying the formula described above, those applicants that have a financial need greater than zero will be considered to have demonstrated the requisite financial need.

SUBPART D: TERMS OF PERFORMANCE

Section 595.300 Contract

- a) Each recipient shall enter into a binding contract with the State of Illinois agreeing to the provisions of the Act and this Part.
- b) A recipient shall notify the Department of the following in writing within seven (7) days:
 - 1) change in major course of study;
 - 2) change in address;
 - 3) illness or disability affecting the recipient's obligations under the contract executed in accordance with subsection (a) of this Section; and
 - 4) action by or notice of potential action by the Department of Professional Regulation regarding the recipient's nursing license.

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- c) *The Department shall require a loan recipient to reimburse the State for expenses, including but not limited to attorney's fees, incurred by the Department or other agent of the State for a successful action against the recipient for a breach of any provision of the contract (Section 4 of the Law).*

Section 595.310 Repayment of Loan

- a) A recipient who fails to complete the degree due to academic failure or voluntary actions on his or her part must repay the loan to the State of Illinois beginning 6 months following termination of studies. A recipient who obtains a BSN, but fails to meet the forgiveness requirement as stated in Section 595.320 of this Part, must also repay the loan beginning 6 months following the completion of the BSN degree.
- b) A recipient who is subject to repayment shall enter into a repayment contract with the Department as soon as the status for payback has been established. This contract shall specify the amount due to be repaid, the schedule for repayment, and all other terms of the repayment. Interest charges shall be completely waived if the recipient repays the total loan amount prior to the first payment due date.
- c) In the event a recipient fails to pay monies owed to the Department, the Department shall refer the matter to the Attorney General or to a collection agency. If the collection agency is unsuccessful, the Department shall refer the matter to the Attorney General. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department.

Section 595.320 Forgiveness of Loan

- a) A loan to a recipient shall be excused and deemed satisfied pursuant to the requirements of Section 8 of the Law as follows:
- 1) If a loan is provided for full-time academic work, the loan is excused when the recipient has documented:
- A) substantially full-time professional nursing practice or full-time post-baccalaureate studies in nursing at an approved institution in Illinois for a number of years equal to the number of years loan

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funds were received or

- B) substantially half-time professional nursing practice or half-time post-baccalaureate studies in nursing at an approved institution in Illinois for twice the number of years as the number of years loan funds were received.
- 2) If a loan is provided for part-time academic work, the loan is excused when the recipient has documented:
- A) substantially full-time professional nursing practice or full-time post-baccalaureate studies in nursing at an approved institution in Illinois for one-half ($\frac{1}{2}$) the number of years as the number of years loan funds were received or
 - B) substantially half-time professional nursing practice or half-time post-baccalaureate studies in nursing at an approved institution in Illinois for a number of years equal to the number of years loan funds were received.
- b) Forms to document the above are sent to the recipient by the Department at the appropriate time according to the date of completion of the BSN degree. When the loan is determined to be satisfied, the recipient is officially notified and the record is closed.
- c) If a recipient dies or suffers total and permanent disability either while pursuing the degree, or after completing the degree if the recipient is engaged in an activity as described in this Section up to the onset of the fatal illness or such disability, the loan or any balance due on it shall be excused and deemed satisfied.

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**Section 595.APPENDIX A Illinois Baccalaureate Nursing Assistance Program Contract
(Repealed)**

(Source: Repealed at 17 Ill. Reg. 13746, effective August 10, 1993)

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**Section 595.APPENDIX B Illinois Baccalaureate Nursing Assistance Program Contract
for Repayment (Repealed)**

(Source: Repealed at 17 Ill. Reg. 13746, effective August 10, 1993)