

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Nursing Education Scholarships
- 2) Code Citation: 77 Ill. Adm. Code 597
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
597.10	Amendment
597.100	Amendment
597.110	Amendment
597.200	Amendment
597.220	Amendment
597.320	Amendment
597.330	Amendment
- 4) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]
- 5) A Complete Description of the Subjects and Issues Involved: Part 597 regulates the disbursement of scholarship awards to students pursuing degrees, diplomas or certificates in nursing. These Sections are being amended because of changes in the Nursing Education Scholarship Law [Public Act 94-1020 and Public Act 93-0879]. This rulemaking expands the categories of nursing degrees to include master's or doctorate degrees in nursing. Definitions are being amended to incorporate the graduate degree in nursing and employment as nurse educators.

Selection criteria are being amended to include the graduate degree in nursing, and the scholarship award distribution formula was adjusted to include recipients pursuing graduate degrees in nursing. Selection criteria were further amended to incorporate a merit factor. Numbering sequences were corrected to reflect the inclusion of new criteria.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Published studies or reports, and source of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments incorporate statutory changes intended to increase the number and quality of nurses in the Illinois workforce. These amendments will not require any new expenditure by units of local government.
- 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 this issue of the *Illinois Register* to:

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Illinois Department of Public Health
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217/782-2043
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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Health care professionals and facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2007

The full text of the Proposed Amendments 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 597

NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section
597.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
597.100 Eligibility
597.110 Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section
597.200 Scholarship Description
597.210 Determination of Financial Need
597.220 Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section
597.300 Contract
597.310 Repayment of Scholarship
597.320 Forgiveness of Scholarship
597.330 Deferment of Scholarship Obligation

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 21 Ill. Reg. 4828, effective March 29, 1997;

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amended at 23 Ill. Reg. 8824, effective August 1, 1999; amended at 26 Ill. Reg. 16965, effective November 8, 2002; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 597.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution. (Section 3(6) of the Law):

"Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution. (Section 3(109) of the Law):

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Financial and Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program. (Section 3(3) of the Law):

"Associate degree in nursing program" or "hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, ~~and~~ associate degree in applied sciences in nursing, or hospital-based diploma in nursing. (Section 3(7) of the Law):

"Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing. (Section 3(4) of the Law):

~~*"Certificate in practical nursing program" means a program offered by an approved institution and leading to a Certificate in Practical Nursing.*~~

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"Department" means the Illinois Department of Public Health. (Section 3(2) of the Law):

"Enrollment" means the establishment and maintenance of an individual's status as a nursing student in an approved institution, regardless of the terms used at the institution to describe such status. (Section 3(5) of the Law):

"Fees" means those mandatory charges, in addition to tuition, that all students enrolled in a nursing program must pay, including required course or lab fees. (Section 3(~~1140~~) of the Law):

"Full-time nurse educator employment" means employment by an approved academic institution in Illinois to educate nursing students based on the academic institution's definition of full-time faculty status.

"Full-time nursing employment" means providing direct patient care of at least 24 hours per week for those persons working weekend shifts, or 35 hours or more per week for those working weekday shifts.

"Full-time nursing student" means a student who is enrolled in a nursing program for at least 12 credit hours per term or as otherwise determined as full-time by the academic institution.~~school~~ (Section 3(~~1244~~) of the Law):

"Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing. (Section 3(8) of the Law)

"Hospital-based diploma in nursing program" means a program offered by an approved institution and leading to a hospital-based diploma in nursing. (Section 3(7) of the Law):

"Law" means the Nursing Education Scholarship Law [110 ILCS 975]. (Section 3(13) of the Law)

"Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Financial and Professional Regulation under the Nurse~~Nursing and Advanced Practice~~ Nursing-Act [225 ILCS 65]. (Section 3(~~1847~~) of the Law):

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"Mean-Weighted Average Tuition and Fees" means the tuition and mandatory fees used for the Illinois Public Universities and Illinois Community Colleges by the Illinois Student Assistance Commission for purposes of MAP grants, multiplied by the number of full-time equivalent undergraduate students enrolled at each such institution, added together, and divided by the sum of the full-time equivalent enrollments for the previous year at each institution. This figure is calculated once per year and is used regardless of whether individual institutions adjust their tuition and mandatory fees for that same year. The Mean-Weighted Average Tuition and Fees is calculated separately for Illinois Public Universities and Illinois Community Colleges (as cited in the COLLEGE ILLINOIS! Master Agreement and Disclosure Statement).

"Monetary Award Program" or "MAP" means a grant awarded by the Illinois Student Assistance Commission (ISAC) that provides payment toward tuition and mandatory fees for Illinois residents to attend an Illinois college. Eligibility is based on financial need. The maximum award depends on legislative action and available funding each year.

"Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees. (Section 3(23) of the Law)

~~"Nursing Education Scholarship Law" or "Law" means 110 ILCS 975.~~

"Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse ~~in providing~~ direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program~~nursing education scholarship program.~~ (Section 3(~~1413~~) of the Law).

"Part-time nursing employment" means providing direct patient care ~~for~~of between 17.5 hours and 34 hours per week.

~~"Part time nursing student" means a student who is enrolled in a nursing program for at least one third of the number of hours required per term by a school for its~~

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~~full-time students.~~

"Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students. (Section 3(15) of the Law)

"Practical Nursing Program" means a program offered by an approved institution and leading to a certificate in practical nursing. (Section 3(16) of the Law)

"Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of ~~Financial and~~ Professional Regulation under the ~~Nurse~~Nursing and Advanced Practice Nursing Act [225 ILCS 65]. (Section 3(~~17~~16) of the Law).

"Student in good standing" means a student enrolled in a nursing program ~~maintaining~~who maintains a cumulative grade point average equivalent to at least an academic grade of "C" ~~. or better~~ (Section 3(~~20~~19) of the Law).

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois Workers' Compensation ~~Industrial~~ Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor. (Section 3(~~21~~20) of the Law).

"Tuition" means the established charges of an institution of higher learning for instruction at that institution. (Section 3(~~22~~21) of the Law).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

~~To~~In order to qualify for consideration, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing that the applicant:

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- a) *Has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States* (Section 5(1) of the Law);
- b) *Is enrolled or accepted for admission to an Illinois school in an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program or certificate in practical nursing program at an approved institution* (Section 5(2) of the Law); *and*
- c) *Agrees to meet the nursing employment obligation* (see the definition of "nursing employment obligation" in Section 597.10) (Section 5(3) of the Law).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 597.110 Application

- a) Application forms are prescribed by the Department and are available at financial aid offices, ~~and~~ departments of nursing at approved schools, the Department's web site, or as well as directly from the Department upon request.
- b) Incomplete applications and applications received after the published deadline will not be considered in the selection process. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections must be made during this time period.
- c) *Each person applying for such a scholarship shall be provided with a copy of Section 6 of the Law ~~110 ILCS 975/6~~ at the time of application.* (Section 6 of the Law)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

- a) A full-time nursing student in good standing pursuing *an associate degree in nursing* may receive a scholarship for *up to 2 academic years*. (Section 5 of the Law)

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- b) A full-time nursing student in good standing pursuing *a hospital-based diploma in nursing* may receive a scholarship for *up to 3 academic years*. ([Section 5 of the Law](#))
- c) A full-time nursing student in good standing pursuing *a baccalaureate degree in nursing* may receive a scholarship for *up to 4 academic years*. ([Section 5 of the Law](#))
- d) A full-time nursing student in good standing pursuing a graduate degree in nursing may receive a scholarship for up to 5 academic years. (Section 5 of the Law)
- ~~e~~) A full-time nursing student in good standing pursuing *a certificate in practical nursing* may receive a scholarship for *up to one academic year*. (Section 5 of the Law)
- ~~f~~) *Full-time* tuition and fees awards for students at approved private institutions shall not exceed the tuition and fee *charges at community colleges and universities statewide and the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget* for the academic year in which the scholarship is made. ([Section 7 of the Law](#))
- ~~g~~) *Part-time* awards shall be determined by applying the proportion represented by the *part-time enrollment to full-time enrollment ratio to the average per term scholarship amount for a student in the same nursing degree category*. ([Section 7 of the Law](#))
- ~~h~~) Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing an associate degree in nursing or a hospital-based diploma in nursing at an Illinois Community College. ([Section 7 of the Law](#))
- ~~i~~) Scholarship amounts for students pursuing associate degrees in nursing, ~~or~~ baccalaureate degrees in nursing, or graduate degrees in nursing at a college or university shall include 75% of the weighted tuition and fees charged by public universities in Illinois plus the uniform living allowance reported in the weighted

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~~Monetary Award Program (MAP)~~ budget. (Section 7 of the Law)

- i) *Scholarship amounts for students in certificate in practical nursing programs shall include 75% of the average tuition and fees charges at all practical nursing programs plus the uniform living allowance reported in the weighted ~~Monetary Award Program (MAP)~~ budget. (Section 7 of the Law)*

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 597.220 Selection Criteria for Award of Scholarships

- a) Scholarships awarded by the Department will be given to students who meet the eligibility requirements in Section 597.100 of this Part and who agree to the provisions of the contract.
- b) Recipients shall be selected on the basis of the following criteria:
- 1) Renewal~~renewal~~ recipients will receive preference;
 - 2) If~~if~~ in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Center for Nursing Advisory Board, consider the following factors in granting~~give~~ priority in awarding scholarships ~~to~~:
 - A) Financial~~students in the greatest financial~~ need, as shown on a current standardized financial needs assessment form used by an approved institution, of~~;~~ B) ~~students pursuing their education on a full-time or closest to full-time basis;~~
 - BE) A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.~~students having the fewest number of credit hours remaining to complete the degree;~~
 - CD) A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities (Section 5 of the Law), including, but not limited to:

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- i) A cumulative grade point average (GPA) of at least 3.0 on a 4.0 scale, or
 - ii) Class rank in the 50th percentile or higher, or
 - iii) Demonstration of academic achievement by having previously earned a certificate in practical nursing, a hospital-based diploma in nursing or an associate degree in nursing.
- ~~D) students who already have a certificate in practical nursing, a hospital-based diploma in nursing or an associate degree in nursing and are pursuing a higher degree;~~
- ~~E) the recipient with the highest cumulative grade point average (GPA) as provided on a transcript or another official school form;~~
- 3) In the event of a tie, students having the fewest number of credit hours remaining to complete the degree will be awarded scholarships.~~a lottery shall be used to award scholarships.~~
- c) Scholarship awards shall be distributed as follows:
- 1) At least 40%50% of the scholarships scholarship awarded shall be for recipients who are pursuing baccalaureate degrees in nursing;
 - 2) At least 30%40% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a hospital-based diploma in nursing; and
 - 3) At least 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing; and 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. (Section 5 of the Law)
 - 4) At least 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. (Section 5 of the Law)

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: TERMS OF PERFORMANCE

Section 597.320 Forgiveness of Scholarship

- a) A recipient must graduate from the nursing program funded and provide a copy of the diploma or certificate that indicates the graduation date as soon as the document# is available.
- b) A recipient must be licensed as a registered professional nurse or as a licensed practical nurse in the State of Illinois and must provide a copy of the license as soon as it is available.
- c) For each full-time semester, the nursing employment obligation is 6 months of full-time employment; for each part-time semester, the nursing employment obligation is 3 months of full-time employment; for each full-time quarter/trimester, the nursing employment obligation is 4 months of full-time employment; for each part-time quarter/trimester, the nursing employment obligation is 2 months of full-time employment; for each full-time summer term, the full-time nursing employment obligation is 3 months of full-time employment; for each part-time summer term, the full-time nursing employment obligation is 1½ months of full-time employment. The total nursing employment obligation for any one academic year shall not exceed 12 months of full-time employment.
- d) *Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program, any recipient who accepted a scholarship under Section 5 of the Act a recipient shall begin meeting the required nursing employment obligation providing direct patient care or employment as a nurse educator in the case of a recipient receiving a graduate degree in nursing. (Section 6 of the Law)*
Employment as a "license pending" nurse does not meet the nursing employment requirements. Fulfillment of the nursing employment obligation must be completed within a time period equivalent to twice the number of months of nursing employment obligation as described in subsection (c).
- e) Forms to document full-time and/or part-time nursing employment shall be sent to the recipient following graduation and licensure. Documentation forms will be

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forwarded periodically until the nursing employment obligation is completed, at which time the recipient will be notified and the record closed.

- f) If a recipient suffers total and permanent disability, the nursing employment obligation shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)
- g) If a recipient dies or is adjudicated as incompetent, all scholarship obligations shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 597.330 Deferment of Scholarship Obligation

- a) The nursing employment *obligation may be deferred and re-evaluated* by a review of a written ~~request~~~~statement~~ from the recipient *every 6 months when the failure to fulfill the nursing employment obligation results from ~~involuntarily~~~~1)Involuntarily~~ leaving the profession due to a decrease in the number of nurses employed in the State; or ~~when~~~~2)When~~ the failure to fulfill the nursing employment obligation results from total and permanent disability.*
- b) *In order to defer the continuous nursing employment obligation, a recipient must request the deferment in writing from the Department and must provide a letter from his/her physician attesting to the recipient's inability (either temporarily or permanently) to continue employment. (Section 6 of the Law).*
- c) *A recipient shall notify ~~the Department~~~~program-staff~~ within 30 days if the recipient spends up to 4 years in military service before or after graduation and after completion of the nursing employment obligation. (Section 6 of the Law) The time spent in military service, up to 4 years, shall be excluded from the computation of the number of months of nursing employment obligation as described in Section 597.320(c).*
- d) *A recipient shall notify ~~the Department~~~~program-staff~~ within 30 days after enrollment if the recipient is enrolled in an academic program leading to a graduate degree in nursing. (Section 6 of the Law) The nursing employment obligation shall be deferred until he or she has completed a graduate degree in nursing.*

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- e) *If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated with the higher degree. [\(Section 6 of the Law\)](#)*
- f) *The recipient must begin meeting the required nursing employment obligation no later than 6 months after the end of any deferment. (Section 6 of the Law)*

(Source: Amended at 32 Ill. Reg. _____, effective _____)