

ILLINOIS REGISTER

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 Actions:</u>
597.10	Amendment
597.20	Amendment
597.100	Amendment
597.105	New Section
597.110	Amendment
597.115	New Section
597.200	Amendment
597.220	Amendment
597.230	Amendment
597.235	New Section
597.240	New Section
597.300	Amendment
597.310	Amendment
597.320	Amendment
597.330	Amendment
597.335	New Section
- 4) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes changes to standardize various aspects of the Nursing Education Scholarship program. Specifically, amendments seek to update terms and definitions, make changes to tuition and stipend determination for recipients, clarify provisions regarding scholarship renewals, update requirements for deferment and waiver for nursing education and employment obligation, and incorporate reporting and recovery provisions. The intent of these changes is to formalize current practices within the program and provide recipients with clearer delineations regarding deferment and waiver options.

A significant change sought by this rulemaking is the modification of the current scholarship renewal process. The proposed rulemaking seeks to limit a scholarship renewal to only the current nursing degree being sought – rather than allowing a recipient to hold and renew a scholarship for each advance nursing degree sought. The current practice requires the Department to reserve future scholarships, which has the effect of depriving new students from scholarships. Under the proposed amendment, should a current scholarship recipient wish to pursue a higher nursing degree, the recipient would

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need to apply for a scholarship to cover the advance education rather than merely retain the current scholarship.

The rulemaking also provides the Department with formal criteria for when recipients request to defer or waive their nursing education or service obligation. The proposed rulemaking would provide standards on when a deferment or waiver is applicable, criteria on how a recipient can make these requests, and descriptions of the Department's role in these processes.

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 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 rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 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:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - 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 2015

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: GENERAL PROVISIONS

Section	
597.10	Definitions
597.20	Referenced Materials
597.30	Administrative Hearings

SUBPART B: ELIGIBILITY AND APPLICATION

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597.100	Eligibility
<u>597.105</u>	<u>Notification</u>
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<u>597.115</u>	<u>Scholarship Renewal</u>

SUBPART C: AWARD OF SCHOLARSHIPS

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597.210	Determination of Financial Need
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597.230	Student Enrollment and Institutions' Obligations
<u>597.235</u>	<u>Deferment of Continuous Attendance Requirement</u>
<u>597.240</u>	<u>Waiver of Continuous Attendance Requirement</u>

SUBPART D: TERMS OF PERFORMANCE

Section	
597.300	<u>Grant Agreement</u> Contract
597.310	Repayment of Scholarship
597.320	<u>Fulfillment</u> Satisfaction of <u>Nurse Employment or Nurse Educator</u> <u>Employment</u> Scholarship Obligation
597.330	Deferment of <u>Nurse Employment or Nurse Educator</u> <u>Employment</u> Scholarship

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Obligation

597.335 Waiver of Nurse Employment or Nurse Educator Employment 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; 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. 19813, effective December 5, 2008; amended at 35 Ill. Reg. 4609, effective March 2, 2011; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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(10) of the Law)

~~*"Administrative Law Judge" means the person appointed to preside at administrative hearings under Subpart A of this Part.*~~

"Advanced practice nurse" or "APN" means a person who has met the qualifications for a certified nurse midwife (CNM), certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation. (Section 50-10 of the Nurse Practice Act)

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, ~~or~~ public or private college or university, or online institution, that is physically located in this State that has

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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, 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)

"Business day" means any day, including Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday

"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.

"Center for Nursing Advisory Board" ~~shall have the meaning ascribed in the means the board that advises the Department on issues affecting the nursing profession in Illinois (see Section 6.5(b) of the Law and the Nurse Practice Act).~~

"Class rank" is the measure of how a student's performance compares to other students in his or her class.

"Continuous attendance" means enrollment in an approved institution's nursing program (as a full-time or part-time student), for an entire academic year and for the total duration of time it takes the student to complete the nursing degree or certificate up to the maximum number of years the recipient is eligible to receive the scholarship. Continuous attendance need not be maintained for the summer term. Continuous attendance shall be deemed to have been broken if the student goes more than one semester, quarter or trimester without successfully completing a nursing-related course.

"Deferment" means the temporary delay or postponement of a recipient's continuous attendance requirement, nursing employment or nurse educator employment obligation.

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

"Direct patient care" means care of a patient provided by an advanced practice nurse, a registered nurse, or a licensed practical nurse. Direct patient care may involve any aspect of the health care of a patient, including treatment, counseling, in-service for self care, education, and administration of medication.

"Director" means the Director of the Illinois Department of Public Health. (Section 3(9) of the Law)

"Educational loan" means any loan guaranteed by the State Scholarship Commission under the Higher Education Student Assistance Law, any education loan made by an institution of higher education from the proceeds of a loan to the institution by the Illinois Finance Authority under the Higher Education Loan Act, or any other loan from public funds made for the purpose of financing an individual's attendance at an institution of higher education. (Section 1(a) of the Educational Loan Default Act)

"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(11) of the Law)

"Free Application for Federal Student Aid" or "FAFSA" means an application that is prepared annually by current and prospective nursing students to determine eligibility for financial aid. Information on FAFSA can be obtained at www.fafsa.ed.gov.

"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. (Section 3(12) of the Law)

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"Grade point average" or "GPA" means a measure of a student's academic achievement, calculated by dividing the total number of grade points received by the total number of grade points attempted.

"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 in nursing, ~~or doctorate of nursing~~, doctorate of nursing practice, or doctorate of nursing science ~~degree in nursing~~. (Section 3(8) of the Law)

"Grant Agreement" means the written instrument defining a legal relationship entered into between the Department and a grantee.

"Illinois resident" means a person who has been a resident of Illinois for at least one year prior to applying for a scholarship and is a citizen or lawful permanent resident alien of the United States. (Section 5(1) of the Law)

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

"Lawful permanent resident alien" means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and has lawfully recorded permanent residence as an immigrant.

"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 Practice Act . (Section 3(18) of the Law)

"Living expenses" means room and board, miscellaneous fees, books, transportation and commuting costs. This amount is adjusted annually based upon the *uniform living allowance reported in the weighted Monetary Award Program (MAP)* from the Illinois Student Assistance Commission. (Section 7 of the Law)

"Mean-Weighted Average Tuition and Fees" means the tuition and mandatory fees used for the Illinois ~~public universities~~Public Universities and ~~community colleges~~Illinois Community Colleges by the Illinois Student Assistance Commission for purposes of Monetary Award Program (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

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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~~~~Public Universities~~ and ~~community colleges~~~~Illinois Community Colleges~~ (as cited in the COLLEGE ILLINOIS! Master Agreement and Disclosure Statement).

"Medical facility" means a facility where a scholarship recipient fulfills his or her nursing employment obligation and includes, but is not limited to, a physician's office, hospital or local health department.

"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.

"Null and void" means that a scholarship application submitted to the Department has no legal force and is invalid.

"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)

"Nurse educator employment" means employment by an approved academic institution in Illinois to educate nursing students.

"Nurse educator employment obligation" means employment in this State as a nurse educator for at least two years for each year of scholarship assistance received under Section 6.5 of the Law. (Section 3(24) of the Law)

"Nursing employment obligation" means employment in this State as a registered professional nurse, licensed practical nurse, or advanced practice nurse in direct patient care for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program. (Section 3(14) of the Law)

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"Official transcript" means transcripts that have been received directly from the institution or have been issued to the applicant or recipient in a sealed envelope, which shall remain sealed until its arrival at the Department. The transcript shall include the institution's official seal, the date transcript was issued and the registrar's signature.

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

"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)

"Prerequisite course" means a course requirement (determined by the approved institution) that a student must meet to demonstrate readiness for enrollment in nursing education.

"Quarter" means a term within an academic year that marks the beginning and end of classes. Quarters are ~~approximately~~ eight to ten ~~10~~-weeks in duration and there are four quarters in an academic year.

"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 Practice Act . (Section 3(17) of the Law)

"Renewal" or "Scholarship renewal" means a continuation of a past scholarship in reference to the same degree or certificate sought. Renewal does not apply to a prior scholarship recipient who wishes to pursue a higher nursing degree after receiving assistance on a previous nursing degree or certificate.

"School term" means an academic term, such as a semester, quarter, or trimester, or number of clock hours, as defined by an approved institution. (Section 3(19) of the Law)

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"Semester" means a term within an academic year that marks the beginning and end of classes. Semesters are ~~approximately~~ 15 to 16 weeks in duration and there are two semesters in an academic year.

~~"Summer term" means a term within an academic year that marks the beginning and end of classes. The term is approximately four to nine weeks in duration and is typically offered during June, July and August of an academic year.~~

"State agency" means any officer, board, commission or agency created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; any officer, department, board, commission, agency, institution, authority, university, body politic or corporate of the State; any administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; or any administrative unit or corporate outgrowth of the above or as may be created by executive order of the Governor. (Section 1(b) of the Educational Loan Default Act)

"Student Aid Report" or "SAR" is a summary of the student's FAFSA responses.

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

"Submission of application" means that a complete nursing education scholarship application has been received by the Department by the established deadline set forth in Section 597.110(b). Submission does not mean that the application is postmarked by the established submission deadline but arrives at the Department on a later date.

~~"Summer term" means a term within an academic year that marks the beginning and end of classes. The term is approximately four to nine weeks in duration and is typically offered during June, July and August of an academic year.~~

"Toll" or "Tolling" means to postpone or suspend the running of a specific time period.

"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

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from the social security administration, Illinois Workers' Compensation 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) of the Law)

"Trimester" means a term within an academic year that marks the beginning and end of classes. Trimesters are ~~approximately~~ 12 to 15 weeks in duration and there are three trimesters in an academic year.

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

"United States citizen" means an individual born in the United States, Puerto Rico, Guam, Northern Mariana Islands, U.S. Virgin Islands, American Samoa or Swain's Island; foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status by the U.S. Department of Homeland Security, Customs and Immigration Service.

"Waiver" means to permanently relieve a recipient's continuous attendance requirement, nursing employment or nurse educator employment obligation.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.20 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois statutes:
 - 1) Nursing Education Scholarship Law [110 ILCS 975]
 - 2) Nurse Practice Act [225 ILCS 65]
 - 3) Board of Higher Education Act [110 ILCS 205]
 - 4) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-200]
 - 5) State Comptroller Act [15 ILCS 405]

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6) Educational Loan Default Act [5 ILCS 385]

7) Higher Education Loan Act [110 ILCS 945]

b) Illinois Administrative Rules:

- 1) Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305)
- 2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

a) To qualify for consideration, an applicant shall meet the eligibility criteria outlined in Section 5 or 6.5 of the Law showing that the applicant:

1) For Nursing Scholarships

Aa) *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)~~Sections 5(1) and 6.5(a)(1) of the Law); and*

Bb) *Is enrolled in 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*

Ce) *Agrees to meet the nursing employment obligation (Section 5(3) of the Law);~~or the nurse educator employment obligation (as applicable) (Sections 5(3) and 6.5(a)(3) of the Law).~~*

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- 2) For Nurse Educator Scholarships
 - A) Has been a resident of this State for at least one year prior to application and is a citizen or lawful permanent resident alien of the United States (Section 6.5(a)(1) of the Law); and
 - B) Is enrolled in or accepted for admission to a graduate degree in nursing program at an approved institution (Section 6.5(a)(2) of the Law); and
 - C) Agrees to meet the nurse educator employment obligation (Section 6.5(a)(3) of the Law).

- b) An individual is ineligible to receive a scholarship if he or she:
 - 1) Cannot meet the eligibility requirements in subsection (a);
 - 2) Pursues nursing education at a school that is not an approved institution in Illinois;
 - 3) Defaulted on an educational loan;
 - 4) Previously received a scholarship under this Part and was granted a waiver of the continuous attendance requirement (see Section 597.240) or a waiver of the nurse employment or nurse educator employment obligation (see Section 597.335); or
 - 5) Receives monies from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the nurse employment or nurse educator employment requirements of this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.105 Notification

- a) Notification of the opportunity to apply for the scholarship is available at the Department's website (<http://www.dph.illinois.gov/topics-services/life-stages-populations/rural-underserved-populations/nursing-education-scholarship-program>).

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- b) Notification to prospective students and the public shall be considered to have been provided by publication of this notice.

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 597.110 Application

- a) The Department will prepare and make available an application on the Department's website (see Section 597.105(a)) or upon written request. Application forms are prescribed by the Department and are available at financial aid offices, departments of nursing at approved schools, the Department's web site, or directly from the Department upon request.
- b) The Department will accept applications March 1 through April 30 of each year. Applications received after the submission deadline of April 30 will not be considered.
- c) In addition to the application, applicants shall submit the following documents to the Department:
- 1) A copy of the applicant's enrollment or acceptance for admission to an approved institution's nursing program in Illinois;
 - 2) A copy of the applicant's Illinois driver's license or State-issued identification card documenting that the applicant has been an Illinois resident at least one year prior to applying for a scholarship;
 - 3) A copy of the applicant's notarized birth certificate, copy of the applicant's documents demonstrating that he or she is a naturalized citizen, or documentation that the applicant is a lawful permanent resident of the U.S.;
 - 4) A copy of the applicant's SAR;
 - 5) A copy of the applicant's official transcripts;
 - 6) A copy of the applicant's Illinois nursing license (if applicable); and
 - 7) A statement that the applicant has or has not defaulted on an educational loan.

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- d) When received, the Department will determine if the application is complete. A review will determine whether all applicable requirements have been addressed and whether all required materials and documentation have been submitted.
- 1) If the application is complete, the applicant will be considered for a scholarship (see Section 597.220).
- 2) If the application is incomplete, the Department will notify the applicant in writing. The applicant will have until May 31 to submit requested information or materials. If the applicant does not, within the time prescribed by the Department, provide all requested materials and information, the application will be null and void.
- ~~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 to the application must be made during this time period.~~
- ~~ee) Each person applying for *such* a scholarship shall be provided with a copy of Section 6 or 6.5(e) of the Law at the time of application. (Sections 6 and 6.5(e) of the Law)~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.115 Scholarship Renewal

- a) Scholarship recipients shall notify the Department of intent to renew a scholarship no more than 60 calendar days or less than 30 calendar days before the expiration of the grant agreement.
- b) Recipients who request to renew their scholarship shall provide official transcripts from their approved nursing education institution. The transcripts will be used to document that the recipient has maintained continuous attendance and is a student in good standing.
- c) Recipients who do not maintain the requirements of subsection (b) shall be in breach of the Grant Agreement and shall not be eligible for scholarship renewal. Recipients who breach their Grant Agreement shall repay the Department all scholarship funds received.

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d) Scholarship renewals shall conform with Section 597.200(a) (as applicable).

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

a) Scholarships shall be awarded to recipients at approved institutions for the following time frames:

1a) 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)

2b) 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)

3e) 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)

4d) A ~~full-time nursing~~ student in good standing pursuing *a graduate degree in nursing* to become an advanced practice nurse may receive a scholarship for *up to 5 academic years*. (Section 5 of the Law)

5e) 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)

6f) A ~~full-time nursing~~ student in good standing pursuing *a graduate degree in nursing* for the purpose of becoming a nurse educator may receive a scholarship for *up to 3 years*. (Section 6.5(c) of the Law)

bg) ~~Awards~~ ~~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

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scholarship is made. (Section 7 of the Law)

- ch)** *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)*
- di)** *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)*
- ej)** *Scholarship amounts for students pursuing associate, baccalaureate 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 MAP budget. (Section 7 of the Law)*
- fk)** *Scholarship amounts for students 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 MAP budget. (Section 7 of the Law)*
- g)** Scholarship funds shall not be used for expenses incurred when the recipient must complete a prerequisite course or courses (as determined by the approved institution).
- h)** Scholarship funds shall not be used for expenses incurred when the recipient must repeat an academic course or courses, if the repetition is necessary because the recipient has an academic performance below an acceptable level (as determined by the approved institution).
- i)** Under the provisions of the State Comptroller Act, recipients may have their scholarship funds offset to fulfill a delinquent State debt. The offset of funds shall not reduce, waive, defer or suspend a recipient's continuous attendance requirement or service obligation under this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 597.220 Selection Criteria for Award of Scholarships

- a) ~~Scholarships awarded by the Department will be given to students who meet all eligibility requirements in Section 597.100 of this Part and who agree to the provisions of the contract.~~
- ab) Nursing scholarship recipients will~~Recipients shall~~ be selected based on the ~~basis~~ of the following ~~criteria~~:
 - 1) Recipients requesting a scholarship renewal will receive preference over other applicants if the recipients meet all the requirements in Section 597.115;
 - 2) ~~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, give preference to applicants in the following manner: consider the following factors in granting priority in awarding scholarships:
 - A) ~~Financial need, as shown on a current SAR, standardized financial needs assessment form used by an approved institution, of students who will pursue~~pursuing their education on a full-time or close to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are pursuing a higher degree. (Section 5(3)(A) of the Law)
 - B) ~~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.~~
 - Bc) ~~A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities (Section 5(3)(C)(Sections 5 and 6.5(b) of the Law), including, but not limited to:~~
 - i) A cumulative ~~grade point average (GPA)~~ of at least 3.0 on a 4.0 scale;~~;~~ or

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- 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, an associate degree in nursing, or a baccalaureate degree in nursing (as applicable).

~~3) In addition to the requirements in subsections (b)(1) and (b)(2), students pursuing a graduate degree in nursing who wish to become a nurse educator shall demonstrate their merit, as shown through their experience as a nurse, including supervisory experience, or experience as a nurse in the United States military. (Section 6.5(b)(3) of the Law)~~

C4) In the event of a tie, students having the fewest number of credit hours remaining to complete the certificate, diploma or degree will be awarded scholarships.

b) Nurse educator scholarship recipients will be selected based on the following:

1) Recipients requesting a scholarship renewal will receive preference over other applicants if the recipients meet all the requirements of Section 597.115;

2) 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, give preference to applicants in the following manner:

A) Financial need, as shown on a current SAR, of students who will pursue their education on a full-time or close to full-time basis and who already have a baccalaureate degree in nursing and are pursuing a higher degree. (Section 6.5(b)(1) of the Law)

B) 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. (Section 6.5(b)(2) of the Law)

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- C) *A student's merit, as shown through his or her grade point average, class rank, experience as a nurse, including supervisory experience, experience as a nurse in the United States military, and other academic and extracurricular activities (Section 6.5(b)(3) of the Law), including, but not limited to:*
- i) *A cumulative GPA of at least 3.0 on a 4.0 scale; or*
- ii) *Class rank in the 50th percentile or higher.*
- D) *In the event of a tie, students having the fewest number of credit hours remaining to complete the degree will be awarded scholarships.*

- c) Scholarship awards shall be distributed as follows:
- 1) *At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing;*
 - 2) *At least 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a hospital-based diploma in nursing;*
 - 3) *At least 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing; and*
 - 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)*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.230 Student Enrollment and Institutions' Obligations

- a) An approved institution may accept a student into its nursing education program based on its own admission requirements, standards and policies.
- b) The Department shall disburse available scholarship funds for tuition and fees to the approved institution directly for the payment of tuition and other necessary fees or for credit against the student's obligation for tuition and fees. If the Department disburses scholarship funds directly to an approved institution, the

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approved institution shall be contractually obligated to *provide facilities and instruction to the student on the same terms as to other students.* (Section 9(a) of the Law)

- c) An approved institution shall provide written notice to the Department if any scholarship recipient who is enrolled in the approved institution ceases to be a student in good standing. The notice shall be sent to the Department within ~~ten 10~~ business days after the institution determines that the student ceases to be in good standing. After the notification is received, the Department will terminate the Grant Agreement and the recipient shall repay all previously awarded scholarship funds (see Section 597.310).
- d) A student who receives a renewal scholarship shall either re-enroll in the approved institution that the student attended during the preceding academic year or enroll in another approved institution. The approved institution accepting the student for enrollment or re-enrollment shall notify the Department regarding the acceptance. The notice will be sent to the Department within ~~ten 10~~ business days after the student's acceptance.
- e) Recipients shall furnish to the Department a copy of their class schedule for each quarter, trimester or semester while attending nursing school.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.235 Deferment of Continuous Attendance Requirement

A request to defer a recipient's continuous attendance requirement shall be submitted in writing to the Department. The request shall detail the reasons for the deferment and be accompanied and supported by the documentation described in this Section. The Department may grant one deferment per recipient.

- a) A deferment will be granted for up to one academic quarter, trimester or semester (except as otherwise allowed by this Section) if the recipient provides documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the continuous attendance requirement. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the continuous attendance requirement. If the recipient's leave will exceed an academic quarter, trimester or semester, an extension of the deferment will be granted based on

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documented medical need. In no circumstance, however, would a deferment exceed 12 months.

- b) Recipients who are military reservists and are called to active duty will be granted a deferment beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.
- c) Recipients who receive a deferment shall have their continuous attendance, scholarship assistance and service obligation requirements tolled. The tolling of these requirements shall equal the recipient's period of deferment.
- d) A recipient who does not request a deferment and who does not maintain the continuous attendance requirement shall have his or her scholarship award voided. The recipient shall be required to repay to the Department all scholarship monies received (see Section 597.310).

(Source: Added at 40 Ill. Reg. _____, effective _____)

Section 597.240 Waiver of Continuous Attendance Requirement

A request to waive a recipient's continuous attendance requirement shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation as described in this Section.

- a) Reasons for the waiver can include the recipient's:
 - 1) Total and permanent disability;
 - 2) Incompetency; or
 - 3) Death.
- b) If the waiver is due to total and permanent disability, proof of disability shall be:
 - 1) *A declaration from the Social Security Administration;*
 - 2) *From the Illinois Workers' Compensation Commission;*

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- 3) From the U.S. Department of Defense; or
- 4) From an insurer authorized to transact business in Illinois who is providing permanent disability insurance coverage to a contractor. (Section 3(21) of the Law)
- c) If a waiver is requested because the recipient is incompetent, the request shall be supported by documentation from a court of law. No claim for repayment may be filed against the estate of an individual deemed incompetent. (Sections 6 and 6.5(d) of the Law)
- d) If the waiver is requested because of the recipient's death, the request shall be supported by a copy of the recipient's death certificate. No claim for repayment may be filed against the estate of a decedent. (Sections 6 and 6.5(d) of the Law)

(Source: Added at 40 Ill. Reg. _____, effective _____)

SUBPART D: TERMS OF PERFORMANCE

Section 597.300 Grant Agreement~~Contract~~

- a) Prior to receiving scholarship funding for any academic year, the recipient shall enter into a binding Grant Agreement~~contract~~ with the State of Illinois agreeing to the provisions of the Law and this Part.
- b) *The Department may require a recipient to reimburse the State for expenses, including but not limited to legal fees, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the Grant Agreement~~scholarship contract~~ (Section 4 of the Law).*
- c) The scholarship award will not be final until the recipient and the Department have executed a Grant Agreement setting forth the terms and conditions of the grant, using the form prescribed by the Department. The Department will withdraw the scholarship award if a consensus cannot be reached on the terms of the Grant Agreement.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.310 Repayment of Scholarship

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- a) Any recipient who defaults on the terms of the Grant Agreement~~contract~~ shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nursing employment obligation or nurse educator employment obligation, together with interest at 7% per year on the unpaid balance. (Sections 6 and 6.5(d) of the Law)
- b) A default of the scholarship obligation shall include, but not be limited to:
- 1) Misstatements in reporting information to the Department;
 - 2) Misrepresentation to the Department for the purpose of obtaining a scholarship;
 - 3) Failure to maintain the continuous attendance requirement;
 - 4) Failure to complete nursing school;
 - 5) Failure to become a licensed nurse in Illinois; and
 - 6) Failure to fulfill the nurse employment or nurse educator employment obligation.
- ~~cb~~) Cash repayment *must begin within 6 months following the date of the default action initiating the repayment.* (Sections 6 and 6.5(d) of the Law)
- ~~de~~) Recipients in default shall enter into a Contract for Repayment with the Department as soon as the reason for default has been established. The Contract for Repayment shall specify the amount due, the repayment schedule and all other terms of the cash repayment. Interest charges shall be completely waived if the recipient repays the total scholarship amount prior to the first payment due date.
- ~~ed~~) If a recipient fails to pay monies owed to the Department, *the Department may require a recipient to reimburse the State for expenses, including but not limited to legal fees and costs, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the* Grant Agreement~~scholarship contract~~ and refer the recipient to the Illinois Attorney General or to a collection agency. 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 4 of the Law)

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- fe) All cash repayments must be completed within 6 years from the date of the first annual cash payment. (Sections 6 and 6.5(d) of the Law)*
- gf) In a breach of ~~the Grant Agreement~~ contract, the Department may utilize referral to the Department of Financial and Professional Regulation to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action concerning the recipient's credentials. (Section 4 of the Law)*
- hg) The Department may allow a nurse educator employment obligation fulfillment alternative if the nurse educator scholarship recipient is unsuccessful in finding work as a nurse educator. The Department shall maintain a database of all available nurse educator positions in this State. (Section 6.5(d) of the Law) The Department shall utilize the following Internet address to ascertain all available nurse educator positions in Illinois: <http://www-nursing.illinois.gov/ads.asp>.*

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.320 ~~Fulfillment~~ Satisfaction of Nurse Employment or Nurse Educator Employment ~~Scholarship~~ Obligation

- a) A recipient must graduate from the nursing program funded and provide a copy of the certificate, diploma or degree certificate that indicates the graduation date as soon as the document is available.
- b) A recipient must be licensed as a registered professional nurse, an advanced practice 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) 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 shall begin meeting the required nursing employment obligation. (Section 6 of the Law)
- 1) To complete the nursing employment obligation, the recipient must work full time or part time (as applicable) at a medical facility in Illinois providing direct patient care. Fulfillment of the nursing employment obligation will be achieved as follows:

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2) Fulfillment of the nursing employment obligation may be achieved as follows:

A1) For each full-time semester completed, the obligation is six months of full-time employment or 12 months of part-time employment;

B2) For each part-time semester completed, the obligation is three months of full-time employment or six months of part-time employment;

C3) For each full-time quarter or trimester completed, the obligation is four months of full-time employment or eight months of part-time employment;

D4) For each part-time quarter or trimester completed, the obligation is two months of full-time employment or four months of part-time employment;

E5) For each full-time summer term completed, the obligation is three months of full-time employment or six months of part-time employment;

F6) For each part-time summer term completed, the obligation is 1½ months of full-time employment or three months of part-time employment.

d) Except as provided in Sections 597.330 and 597.335, within 12 months after graduation from a graduate degree in nursing program for nurse educators, any recipient who accepted a scholarship shall begin meeting the required nurse educator employment obligation by teaching nursing students at an approved institution in Illinois. (Section 6.5(d) of the Law)

1) To complete the nurse educator employment obligation, the recipient shall be employed full time or part time (as applicable) at an approved institution in Illinois to educate nursing students. Fulfillment of the nurse educator employment obligation will be achieved as follows:

2) Fulfillment of the nurse educator employment obligation may be achieved as follows:

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- ~~A1)~~ For each full-time semester completed, the obligation is 12 months of employment;
 - ~~B2)~~ For each part-time semester completed, the obligation is six months of employment;
 - ~~C3)~~ For each full-time quarter or trimester completed, the obligation is eight months of employment;
 - ~~D4)~~ For each part-time quarter or trimester completed, the obligation is four months of employment;
 - ~~E5)~~ For each full-time summer term completed, the obligation is six months of employment;
 - ~~F6)~~ For each part-time summer term completed, the obligation is three months of employment.
- e) ~~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 shall begin meeting the required nursing employment obligation or nurse educator employment obligation providing direct patient care or employment as a nurse educator in the case of a recipient receiving a graduate degree in nursing. (Sections 6 and 6.5(d) of the Law) Employment as a "license pending" nurse does not meet the nursing employment requirements. Fulfillment of the nursing employment obligation or nurse educator employment obligation must be completed within a time period equivalent to twice the number of months of nursing employment obligation as described in subsections (c) and (d).~~
- ef) Forms to document full-time or and/or part-time nursing employment or nurse educator employment shall be sent to the recipient following graduation and licensure. Documentation forms will be forwarded periodically until the nursing employment obligation or nurse educator employment obligation is completed, at which time the recipient will be notified and the record closed.
- g) ~~If a recipient suffers a verifiable total and permanent disability, the nursing employment obligation or nurse educator employment obligation shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in~~

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~~Section 597.10.)~~

- ~~h) 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.) No claim for repayment may be filed against the estate of such a decedent or incompetent. (Sections 6 and 6.5(d) of the Law)~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.330 Deferment of Nurse Employment or Nurse Educator Employment Scholarship Obligation

A request to defer the recipient's nurse employment or nurse educator employment obligation shall be submitted in writing to the Department. The request shall detail the reasons for the deferment and shall be accompanied and supported by documentation as described in this Section.

- a) Deferment of the nurse employment obligation may include the recipient:
- 1) Spending up to four years in military service before or after graduation. The recipient shall notify the Department within 30 days after enlisting in military service. (Section 6 of the Law)
 - 2) Enrolling in an academic program leading to a higher degree or a graduate degree in nursing. If the 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. The recipient shall notify the Department within 30 days if he or she is enrolled in an academic program leading to a graduate degree in nursing. (Section 6 of the Law)
 - 3) Failing to fulfill the nursing employment obligation by involuntarily leaving the profession due to a decrease in the number of nurses employed in the State. When requesting a deferral, the recipient shall provide documentation to the Department demonstrating that nursing positions do not exist in that area. The following website shall be used to provide documentation: https://illinoisjoblink.illinois.gov/ada/skillmatch/jobseeker_jbs_jobserch_dsp.cfm. If a deferment is granted, it will be re-evaluated every 6 months. (Section 6 of the Law)

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- 4) Providing documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the obligation. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the obligation. This deferment may be granted for up to one year.
 - 5) Requesting up to 12 weeks leave for maternity, paternity or adoption leave. If the recipient's leave will exceed 12 weeks, a deferment may be granted based on documented medical need.
 - 6) The recipient must begin meeting the required nursing employment obligations no later than 6 months after the end of the deferments. (Section 6 of the Law)
- b) Deferment of the nurse educator employment obligation may include the recipient:
- 1) Spending up to four years in military service before or after graduation. The recipient shall receive a deferment if he or she notifies the Department, within 30 days after enlisting, that he or she is spending up to 4 years in military service. (Section 6.5(d) of the Law)
 - 2) Enrolling in an academic program leading to a graduate degree in nursing. A recipient shall receive a deferment if he or she notifies the Department within 30 days after enrolling that he or she is enrolled in an academic program leading to a graduate degree in nursing. (Section 6.5(d) of the Law)
 - 3) Providing documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill his or her employment obligation. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the nurse employment obligation. This deferment may be granted for up to one year.
 - 4) Requesting up to 12 weeks for maternity, paternity or adoption leave. If the recipient's leave will exceed 12 weeks, a deferment may be granted based on documented medical need.

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- 5) The nurse educator employment obligation may be deferred and re-evaluated every 6 months when the failure to fulfill the nurse educator employment obligation results from involuntarily leaving the profession due to a decrease in the number of nurses employed in this State. (Section 6.5(d) of the Law) When requesting this deferral, the recipient will need to provide documentation to the Department that nurse educator positions do not exist in his or her area. The following website will be used to provide documentation: <http://nursing.illinois.gov/ads.asp>.
- 6) The Department may allow a nurse educator employment obligation fulfillment alternative if the nurse educator scholarship recipient is unsuccessful in finding work as a nurse educator. (Section 6.5(d) of the Law) Prior to the Department approving an alternative to the obligation, the recipient will need to provide documentation that nurse educator positions do not exist in his or her area. The following website will be used to provide documentation: <http://nursing.illinois.gov/ads.asp>. If the recipient demonstrates that no nurse educator positions exist, the Department will allow the recipient to fulfill the service obligation by working as a nurse in a medical facility in Illinois providing direct patient care.
- 7) The recipient must begin meeting the required nurse educator employment obligation no later than 6 months after the end of the deferment or deferments. (Section 6.5(d) of the Law)
- c) Recipients who receive a deferment shall have their nurse employment or nurse educator employment obligation tolled. The tolling of these requirements shall equal the recipient's period of deferment.
- a) ~~The nursing employment obligation may be deferred and re-evaluated by a review of a written request from the recipient every 6 months when the failure to fulfill the nursing employment obligation results from involuntarily leaving the profession due to a decrease in the number of nurses employed in the State or 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)~~

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- e) ~~A recipient shall notify the Department 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 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.~~
- 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)~~
- g) ~~Within 12 months after graduation from a graduate degree in nursing program for nurse educators, any recipient who accepted a scholarship shall begin meeting the required nurse educator employment obligation. (Section 6.5(d) of the Law)~~
- h) ~~In order to defer the continuous employment obligation, a recipient must request the deferment in writing from the Department. (Section 6.5(d) of the Law) The following deferments are allowed:~~
 - 1) ~~A recipient shall receive a deferment if he or she notifies the Department, within 30 days after enlisting, that he or she is spending up to 4 years in military service.~~
 - 2) ~~A recipient shall receive a deferment if he or she notifies the Department, within 30 days after enrolling, that he or she is enrolled in an academic program leading to a graduate degree in nursing.~~
- i) ~~The recipient must begin meeting the required nurse educator employment obligation no later than 6 months after the end of the deferment or deferments. (Section 6.5(d) of the Law)~~

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 597.335 Waiver of Nurse Employment or Nurse Educator Employment Obligation

A waiver request of a recipient's nurse employment or nurse educator employment obligation shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation as described in this Section.

- a) Reasons for a waiver request may include the recipient's:
 - 1) Total and permanent disability;
 - 2) Incompetency; or
 - 3) Death.
- b) If the waiver is due to total and permanent disability, proof of disability shall be:
 - 1) A declaration from the Social Security Administration;
 - 2) From the Illinois Workers' Compensation Commission;
 - 3) From the U.S. Department of Defense; or
 - 4) From an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor. (Section 3(21) of the Law)
- c) If a waiver is requested because the recipient is incompetent, the request shall be supported by documentation from a court of law. No claim for repayment may be filed against the estate of an individual deemed incompetent. (Sections 6 and 6.5(d) of the Law)
- d) If the waiver is requested because of the recipient's death, the request shall be supported by a copy of the recipient's death certificate. No claim for repayment may be filed against the estate of a decedent. (Sections 6 and 6.5(d) of the Law)

(Source: Added at 40 Ill. Reg. _____, effective _____)