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**Final Regulation  
Agency Background Document**

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12VAC5-510
<b>Regulation title</b>	Regulations for General Assembly Nursing Scholarships
<b>Action title</b>	Amendments to establish a more comprehensive and up-to-date regulatory framework for administering the nursing scholarship program.
<b>Date this document prepared</b>	April 24, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

**Brief summary**

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

Sections 23-35.9 through 23.35-13 of the Code of Virginia establish a Nursing Scholarship program and mandated a Nursing Scholarship Advisory Committee appointed by the State Board of Health provide scholarships to eligible applicants on an annual basis. The General Assembly Nursing Scholarship Program is intended to address the shortage of trained medical professionals in the Commonwealth

The General Assembly Nursing Scholarship Program has been in existence for over twenty years. Although the field of nursing has evolved since that time, the regulations have not kept up with these changes. Amendments are being proposed to ensure that this program is consistent with how the industry has evolved over time. The proposed amendments add sections pertaining to the administration of this program. These include sections pertaining to definitions, contract terms, reporting requirements, breach of contract, and waiver provisions. The new sections are comparable in nature and wording to regulations for similar programs and congruent with relevant sections of the Code of Virginia.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.*

The Final Regulations for Regulations for General Assembly Nursing Scholarships were approved by the Board of Health on June 5, 2014. Subsequent to the Board of Health approval, as part of the executive review process, the Office of the Attorney General recommended additional changes to the amendments. The changes consist of the addition of language more clearly defining the variance process, as well as minor changes to wording to increase clarity. The Commissioner approved the subsequent changes to the amendments while the Board of Health was not in session.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.*

Sections 23-35.9 through 23.35-13 of the Code of Virginia establish a Nursing Scholarship program and mandated a Nursing Scholarship Advisory Committee appointed by the State Board of Health provide scholarships to eligible applicants on an annual basis. Sections 23-35.9 through 23-35-13 define the procedures for administration of the Nursing Scholarship program, such as the composition of the Advisory Committee, the basis for awards, the requirement for a written contract etc. Item 289 Part B of the 2013 Appropriations Act mandates that the financial incentives established in §23-35.9 through 23-35.13 are awarded in accordance with regulations promulgated by the Board of Health.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

Sections 23.35-9 through 23.35-13 of the Code of Virginia mandates the creation of a nursing scholarship program for part-time and full time students enrolled in undergraduate and graduate nursing programs. The intent of this regulatory action is to update the regulations. The intent of this regulatory action is to implement the program required by §§ 23-35.9 through 23-35.13 and address the shortage of trained medical professionals in the Commonwealth. The General Assembly Nursing Scholarship Program addresses the workforce shortage by providing financial assistance for education expenses for individuals who have been accepted for enrollment or are enrolled in an approved school of nursing in the Commonwealth of Virginia. Decreasing the workforce shortage of trained medical professionals in the Commonwealth helps protect the health of Virginians by increasing primary care services to underserved areas and populations.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

Changes were made to the proposed regulations to add clarification to the final regulations and bring the regulatory chapter into conformity with other Virginia Department of Health Regulations. The following is a summary of the key provisions of the final regulations:

Definitions

Provides clarification on key or frequently used terms in the regulatory text.

Advisory Committee

Establishes that the Advisory Committee appointed pursuant to Va. Code § 23-35.9 shall make all scholarship awards.

Eligibility

Provides requirements regarding Virginia residency, approved educational program enrollment, a 2.5 cumulative GPA in core nursing classes if already enrolled in a program, submission of a completed application, demonstrated financial need, and no active military obligation.

Conditions of Scholarships

Provides guidance and provisions on the contract requirements, calculation of the service obligation, terms of service, employment requirements, reporting, transfer of practice site, default, waiver, partial fulfillment, hardship and default payments.

Number of applications, Amounts of scholarships & How to apply

Provides information and provisions regarding applicant renewals, award amounts, location of application form and deadline dates for submission of applications.

Scholarship contract

Provides the requirements of the scholarship contract which must be entered into by scholarship recipients including the total amount of the award and the award period, agreement to pursue a LPN or RN degree, agreement to begin full time employment within 180 days after the recipient's graduation, agreement to comply with all reporting requirements, agreement to terms of service, signature of the applicant and the commissioner, and any other provisions the commissioner deems appropriate.

Practice Site Selection

Provides that recipients of a Nursing Scholarship shall perform their service obligation in a region of the Commonwealth with a critical shortage of nurses either a health professional shortage area or a medically underserved area. This provision also provides where recipients can locate maps of these areas.

Reporting Requirements

Provides information on the reporting requirements of scholarship participants including verification of employment once every six months and prompt notification in the event of the following changes: name, address, practice site, intention to fulfill service obligation, if the participant ceases to practice as a RN or LPN, or the recipient ceases or no longer intends to complete their nursing program.

Breach of Contract

Provides what circumstances may constitute a breach of contract including: failure to complete nursing studies, failure to complete the term of obligated service under the terms of the contract, falsification of information on the program application or other required documents, and the recipient being terminated for good cause by their employer. This provision also refers recipients to the process for making default payments in the event of breach of contract.

Deferment and waivers

This section provides the limited circumstances in which a recipient may receive a deferment, waiver or variance.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*

3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of the proposed regulatory action to the public will be an increase in the availability of adequate quality nursing care in health professional shortage areas and medically underserved areas in the Commonwealth. Further, facilities in these areas will be better positioned to retain qualified nurses because of the obligation created by accepting the scholarship funds. The Virginia Department of Health sees no disadvantage to the public, the agency or the Commonwealth associated with the proposed regulatory action.

**Changes made since the proposed stage**

In order to improve the clarity of final regulations the organization of certain sections of the regulatory chapter has been rearranged. Some other minor clarifying technical amendments have been made. No substantive changes have been made. These changes were approved by the Board of Health on June 5, 2014. Subsequent to the Board of Health approval, as part of the executive review process, the Office of the Attorney General recommended additional changes to the amendments. The changes consist of the addition of language more clearly defining the variance process, as well as minor changes to wording to increase clarity. The Commissioner approved the subsequent changes to the amendments while the Board of Health was not in session.

Section number	Requirement at proposed stage	What has changed	Rationale for change
12VAC5-510-10	<p>Section 32.1-122.6:01 of the Code of Virginia provides the Board of Health the authority to award certain nursing scholarships and loan repayment funds. Fee requirements are specified in § 54.1-3011.1 of the Code of Virginia. Section 54.1-3011.2 of the Code of Virginia establishes the nursing scholarship and loan repayment fund.</p> <p>Sections 23-35.9 through 23-35.13 of the Code of Virginia authorize annual nursing scholarships for students enrolled in undergraduate and graduate nursing programs. Undergraduate nursing programs are defined as those leading to an associate degree, diploma, or baccalaureate degree in nursing. Graduate nursing</p>	<p><del>Sections 23-35.9 through 23-35.13 of the Code of Virginia authorize annual nursing scholarships for students enrolled in undergraduate and graduate nursing programs. Undergraduate nursing programs are defined as those leading to an associate degree, diploma, or baccalaureate degree in nursing. Graduate nursing programs are those offering masters and doctoral degrees.</del></p> <p><del>Under the law, all scholarship awards are made by an Advisory Committee appointed by the State Board of Health. The Advisory Committee consists of eight members: four deans or directors of schools of nursing, two former scholarship recipients, and two members with experience in the administration of student financial aid programs. Committee appointments are for two-year terms and members may not serve for more than two successive terms.</del></p>	<p>Removal of the unnecessary Legislative Authority Section. Moved the information regarding the advisory committee to Section 15 and moved definitions to this Section. This change brings the format of these regulations more in line with other agency regulations. This creates consistency across programs.</p>

	<p>programs are those offering masters and doctoral degrees.</p> <p>All scholarship awards are made by an Advisory Committee appointed by the State Board of Health. The Advisory Committee consists of eight members: four deans or directors of schools of nursing or their designees, two former scholarship recipients, and two members with experience in the administration of student financial aid programs. Committee appointments are for two-year terms and members may not serve for more than two successive terms in addition to the portion of any unexpired term for which such a member was appointed. The State Board of Health shall schedule appointments to the Advisory Committee in such a manner that at least two persons who have not served during the previous two years are appointed to the Committee.</p> <p>The Department of Health serves as the staff element to the Advisory Committee and plays no role in the determination of scholarship recipients.</p> <p>Advisory Committee shall make the awards with due regard given to scholastic attainment, financial need, character, and adaptability to the nursing profession. With due consideration of the number of applications and the qualifications of all such applicants, the Advisory Committee will, so far as practical, award an equal number of</p>	<p><del>The Office of Public Health Nursing of the State Health Department serves as the staff element to the Advisory Committee and plays no role in the determination of scholarship recipients.</del></p> <p><del>The basis for determining scholarship recipients is established by the Advisory Committee with due regard given to scholastic attainment, financial need, character, and adaptability to the nursing profession.</del></p> <p><u>The following words and terms when used in this chapter shall have the following meanings:</u></p> <p><u>"Approved nurse education program" means an approved educational program pursuant to Chapter 30 (§ 54.1-3000 et. seq.) of Title 54.1.</u></p> <p><u>"Board" or "Board of Health" means the State Board of Health.</u></p> <p><u>"Commissioner" means the State Health Commissioner.</u></p> <p><u>"Continuous" means no breaks in service greater than a period of six weeks.</u></p> <p><u>"Department" means the Virginia Department of Health.</u></p> <p><u>"Full-time" means at least 32 hours per week for 45 weeks per year.</u></p> <p><u>"Interest" means the legal rate of interest pursuant to § 6.2-302 of the Code of Virginia.</u></p> <p><u>"Licensed Practical Nurse" or "LPN" means a person who is licensed or holds a multistate licensure privilege under the provisions of Chapter 30 of Title 54.1 of the Code of Virginia to practice practical nursing, as defined in § 54.1-3000.</u></p> <p><u>"Penalty" means twice the amount of all monetary payments to the scholarship participant, less any service obligation completed.</u></p>	
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	<p>scholarships among the various congressional districts within the Commonwealth.</p>	<p><u>"Recipient/participant" means an eligible LPN or RN of an approved nursing program who enters into a contract with the commissioner and participates in the scholarship program.</u></p> <p><u>"Registered Nurse" or "RN" means a person who is licensed or holds a multistate licensure privilege under the provisions Chapter 30 of Title 54.1 of the Code of Virginia to practice professional nursing, as defined in § 54.1-3000.</u></p>	
<p>12VAC5-510-15</p>	<p>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:</p> <p>"Board" or "Board of Health" means the State Board of Health.</p> <p>"Commissioner" means the State Health Commissioner.</p> <p>"Continuous" means that there are no breaks in service greater than a period of six weeks.</p> <p>"Department" means the Virginia Department of Health.</p> <p>"Full-time" means the equivalent of 32 or more hours per week for at least 45 weeks per year.</p> <p>"Interest" means the legal rate of interest pursuant to the Code of Virginia.</p> <p>"Licensed Practical Nurse" or "LPN" means a nurse who has successfully completed a state-approved practical nursing program, passed a licensing examination known as the NCLEX-PN, and is licensed by the Commonwealth of Virginia</p>	<p><del>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:</del></p> <p><del>"Board" or "Board of Health" means the State Board of Health.</del></p> <p><del>"Commissioner" means the State Health Commissioner.</del></p> <p><del>"Continuous" means that there are no breaks in service greater than a period of six weeks.</del></p> <p><del>"Department" means the Virginia Department of Health.</del></p> <p><del>"Full time" means the equivalent of 32 or more hours per week for at least 45 weeks per year.</del></p> <p><del>"Interest" means the legal rate of interest pursuant to the Code of Virginia.</del></p> <p><del>"Licensed Practical Nurse" or "LPN" means a nurse who has successfully completed a state-approved practical nursing program, passed a licensing examination known as the NCLEX-PN, and is licensed by the Commonwealth of Virginia to provide routine care under the supervision of a licensed medical practitioner, a professional registered nurse, or other licensed health professional authorized by regulations of the Board of Nursing.</del></p> <p><del>"Penalty" means the amount of money equal to twice the amount of</del></p>	<p>Moved the definition information to Section 10 and moved the information regarding the Advisory Committee to this section. This change brings the format of these regulations more in line with other similar agency regulations. This creates consistency across programs.</p>

	<p>to provide routine care under the supervision of a licensed medical practitioner, a professional registered nurse, or other licensed health professional authorized by regulations of the Board of Nursing.</p> <p>"Penalty" means the amount of money equal to twice the amount of all monetary payments to the scholarship recipient, less any service obligation completed.</p> <p>"Practice" means the provision of direct patient care as an LPN or RN in a region of the Commonwealth of Virginia with a critical shortage of nurses.</p> <p>"Recipient" means a student in an LPN or RN program who enters into a contract with the Board of Health and participates in the scholarship program.</p> <p>"Registered Nurse" or "RN" means a nurse who has graduated from an approved nursing program, passed the national licensing examination known as the NCLEX-RN, and has been licensed to practice as a registered nurse by the Board of Nursing in the Commonwealth of Virginia.</p>	<p><del>all monetary payments to the scholarship recipient, less any service obligation completed.</del></p> <p><del>"Practice" means the provision of direct patient care as an LPN or RN in a region of the Commonwealth of Virginia with a critical shortage of nurses.</del></p> <p><del>"Recipient" means a student in an LPN or RN program who enters into a contract with the Board of Health and participates in the scholarship program.</del></p> <p><del>"Registered Nurse" or "RN" means a nurse who has graduated from an approved nursing program, passed the national licensing examination known as the NCLEX-RN, and has been licensed to practice as a registered nurse by the Board of Nursing in the Commonwealth of Virginia. <u>All scholarship awards shall be made by an Advisory Committee appointed pursuant to Va. Code § 23-35.9.</u></del></p>	
<p>12VAC5-510-20</p>	<p>In order to be considered for a General Assembly Nursing Scholarship, applicants must meet the following criteria:</p> <p>1. Be eligible for in-state tuition pursuant to § 23-7.4 of the Code of Virginia at the time a scholarship is</p>	<p>In order to be considered for a General Assembly Nursing Scholarship, <del>an applicants must meet the following criteria</del> <u>shall</u>:</p> <p><u>1. Be a United States citizen, national, or qualified alien pursuant to U.S.C. §1621;</u></p> <p><u>2. 4. Be a bona fide resident of the State of Virginia by being</u></p>	<p>Insertion of clarifying language that brings these regulations in conformity with similar agency regulations.</p>

	<p>awarded.</p> <p>2. Be accepted or enrolled in a school of nursing in the Commonwealth of Virginia which is approved by the Board of Nursing.</p> <p>3. If already enrolled in a nursing program, the applicant must demonstrate a cumulative grade point average of at least 2.5.</p> <p>4. Submit a completed application form and appropriate grade transcript to the department prior to the published deadline dates.</p> <p>5. Demonstrate financial need which is verified by the Financial Aid Officer/authorized person.</p> <p>Failure to comply with all of these criteria will cause the applicant to be ineligible for a scholarship.</p>	<p><u>domiciled in the Commonwealth for at least one year eligible for in-state tuition pursuant to § 23-7.4 of the Code of Virginia at the time a scholarship is awarded as defined by § 23-7.4 of the Code of Virginia;</u></p> <p><del>-2</del> <u>3. Be accepted for enrollment or enrolled in a an approved nurse education program school of nursing in the Commonwealth of Virginia preparing him for examination for licensure as a practical nurse or registered nurse; which is approved by the State Board of Nursing.</u></p> <p><del>3</del> <u>4. If already enrolled in -a an approved nurse education program in the Commonwealth of Virginia, the applicant must demonstrate a cumulative grade point average of at least 2.5 in core nursing classes;</u></p> <p><del>4-5.</del> <u>Submit a completed application form and appropriate grade transcript the department prior to the published established deadline dates;</u></p> <p><del>5</del> <u>6. Demonstrate financial need which is verified by the Financial Aid Officer/authorized person school's financial aid officer/authorized person as part of the application process; and</u></p> <p><u>7. Not have an active military obligation.</u></p> <p><del>Failure to comply with all of these requirements will cause the applicant to be ineligible for a scholarship.</del></p> <p><u>An applicant who fails to meet all of these requirements shall be ineligible for a scholarship</u></p>	
<p>12VAC5-510-30</p>	<p>The scholarship recipient agrees to engage in a term of service involving continuous full-time nursing practice in a region of the Commonwealth with a critical shortage of nurses. The maximum</p>	<p><del>The scholarship recipient agrees to engage in a term of service involving continuous full-time nursing practice in a region of the Commonwealth with a critical shortage of nurses. The maximum award amounts and terms of service are determined as per §§</del></p>	<p>These changes rearrange the wording of the section to achieve additional clarity.</p>

	<p>award amounts and terms of service are determined as per §§ 23-35.9 and 23-35.11 of the Code of Virginia. Employment must begin within 180 days of the recipient's graduation date. Time spent in an "on-call" status shall not be counted toward the number of hours worked per week. Voluntary military service, even if stationed in Virginia, cannot be used to repay the service obligation. If the recipient begins employment at a practice site, but that employment is later terminated, the recipient must transfer to another approved practice site in the Commonwealth within 90 days of termination.</p>	<p><del>23-35.9 and 23-35.11 of the Code of Virginia. Employment must begin within 180 days of the recipient's graduation date. Time spent in an "on-call" status shall not be counted toward the number of hours worked per week. Voluntary military service, even if stationed in Virginia, cannot be used to repay the service obligation. If the recipient begins employment at a practice site, but that employment is later terminated, the recipient must transfer to another approved practice site in the Commonwealth within 90 days of termination.</del></p> <p><u>A. Prior to becoming a participant in the General Assembly Nursing Scholarship program, the applicant shall enter into a contract with the commissioner agreeing to the terms and conditions upon which the scholarship is granted.</u></p> <p><u>B. For each \$2,000 of scholarship money received, the participant agrees to engage in the equivalent of one year of full-time nursing practice in a region with a critical shortage of nurses in the Commonwealth. The recipient shall notify the department, within 180 days of being awarded a nursing diploma or degree, of the type of nursing practice to be performed and give the name and address of the employer for approval. Voluntary military service, even if stationed in Virginia, cannot be used to repay the service obligation required when a scholarship is awarded.</u></p> <p><u>The participant may request approval of a change of practice site. Such requests shall be made in writing. The department in its discretion may approve such a request.</u></p> <p><u>C. If a participant fails to complete his studies, the full amount of the scholarships or scholarships received, plus the applicable interest charge, shall be repaid. A</u></p>	
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		<p><u>recipient may terminate a contract while enrolled in school after notice to the board and upon repayment within 90 days of the entire amount of the scholarship plus interest.</u></p> <p><u>D. If upon graduation a participant leaves the Commonwealth or fails to engage or ceases to engage in nursing practice in a region with a critical shortage of nurses in the Commonwealth before all employment conditions of the scholarship award are fulfilled, the participant shall repay the award amount reduced by the proportion of obligated years served plus the applicable interest and penalty.</u></p> <p><u>E. All default payments shall be made payable to the Commonwealth of Virginia.</u></p>	
12VAC5-510-40	Scholarships are awarded for single academic years. However, the same student may, after demonstrating satisfactory progress in his studies, apply for and receive scholarship awards for any succeeding academic year or years. No student may receive scholarships for more than a total of four years.	Scholarships <del>are</del> <u>shall be</u> awarded for single academic years. However, the same student may, after demonstrating satisfactory progress in his studies, <u>which is demonstrated by a cumulative grade point average of 2.5 in core nursing classes,</u> apply for and receive scholarship awards for <del>any</del> a succeeding academic year or years. No student <del>may</del> <u>shall</u> receive scholarships for more than a total of four years.	Minor clarifying language.
12VAC5-510-50	The amount of each scholarship award is dependent upon the amount of money appropriated by the General Assembly and the number of qualified applicants. No recipient shall receive an award for less than \$150.	The <del>amount</del> <u>number</u> of <del>each</del> <u>scholarships</u> awarded <del>is</del> <u>shall be</u> dependent upon the amount of money appropriated by the General Assembly, <u>the amount of the funds available within the Nursing Scholarship and Loan Repayment Fund administered by the Board of Nursing pursuant to § 54.1-3011.2 of the Code of Virginia,</u> and the number of qualified applicants. <del>No</del> <u>Each</u> recipient shall receive an award <del>for of less than \$150</del> <u>\$2,000 per year.</u>	Minor clarifying language.
12VAC5-510-60	Applications and guidelines are made available to all prospective students online through the department's	<del>Applications and guidelines are made available to all prospective students online through the department's website.</del>	Rewording of the section. This language brings the section more in line with other agency regulations. These changes are

	<p>website.</p>	<p><u>Eligible applicants shall submit a complete application made available by the department on the department's website. A complete application shall include documentation of all eligibility requirements. The deadline for submission of the application shall be announced by the department on the department's website.</u></p>	<p>clarifying and not substantive in nature.</p>
<p>12VAC5-510-80</p>	<p>Applicants selected to receive scholarship awards by the Advisory Committee must sign and return a written contract to the department by the specified deadline date. Failure to return the contract by the specified deadline date may result in the award being rescinded. At minimum, the scholarship contract shall include the following elements:</p> <ol style="list-style-type: none"> <li>1. Agreement with the total amount of the award and the award period.</li> <li>2. Agreement to pursue an LPN or RN degree in nursing at a school of nursing in the Commonwealth of Virginia that is approved by the Board of Nursing.</li> <li>3. Agreement to begin continuous full-time employment within 180 days of the recipient's graduation.</li> <li>4. Agreement to comply with all reporting requirements.</li> <li>5. Agreement with the terms of service requiring continuous full-time nursing practice in the Commonwealth for a specified period of time and the terms and conditions associated with</li> </ol>	<p>Applicants selected to receive scholarship awards by the Advisory Committee <del>must</del> shall sign and return a written contract to the department by the specified deadline date. Failure to return the contract by the specified deadline date may result in the award being rescinded. At minimum, the scholarship contract shall include the following elements:</p> <ol style="list-style-type: none"> <li>1. <del>Agreement with</del> The total amount of the award and the award period;</li> <li>2. Agreement to pursue an LPN or RN degree in nursing at a school of nursing in the Commonwealth of Virginia that is approved by the Board of Nursing;</li> <li>3. Agreement to begin continuous full-time employment <u>in a region with a critical shortage of nurses in the Commonwealth</u> within 180 days of the recipient's graduation;</li> <li>4. Agreement to comply with all reporting requirements;</li> <li>5. Agreement to the terms of service requiring continuous full-time nursing practice in the Commonwealth for a specified period of time and the terms and conditions associated with a breach of contract;</li> <li>6. <u>Signature of the applicant;</u></li> <li>7. <u>Signature of the commissioner or his designee; and</u></li> <li>8. <u>Other provisions as the commissioner may deem</u></li> </ol>	<p>Minor technical edits and insertion of clarifying language.</p>

	<p>a breach of contract.</p> <p>A recipient may terminate a contract while enrolled in school after notice to the board and upon repayment within 90 days of the entire amount of the scholarship plus interest.</p>	<p><u>appropriate.</u></p> <p><del>A recipient may terminate a contract while enrolled in school after notice to the board and upon repayment within 90 days of the entire amount of the scholarship plus interest.</del></p>	
12VAC5-510-85	N/A	<p><u>Each recipient shall perform his service obligation in a region with a critical shortage of nurses in the Commonwealth. A recipient shall perform his service obligation at a practice site in either a health professional shortage area or a medically underserved area. Maps of health professional shortage areas and medically underserved areas shall be available on the department's website.</u></p>	<p>The insertion of this section clarifies where recipients of the Nursing Scholarship must perform their obligated service.</p>
12VAC5-510-90	<p>Monitoring of the service obligation of recipients shall be conducted on an ongoing basis by the department.</p> <p>The recipient shall permit the nursing school to provide information regarding enrollment status and progress in the program.</p> <p>The recipient shall notify the department, within 180 days of being awarded a nursing diploma or degree, of the type of nursing practice to be performed and give the name and address of the employer for approval.</p> <p>The recipient shall submit to the department verification of employment documentation every four months until the contract obligation has been completely fulfilled.</p> <p>The recipient shall maintain practice records</p>	<p><del>Monitoring of the service obligation of recipients shall be conducted on an ongoing basis by the department.</del></p> <p><del>The recipient shall permit the nursing school to provide information regarding enrollment status and progress in the program.</del></p> <p><del>The recipient shall notify the department, within 180 days of being awarded a nursing diploma or degree, of the type of nursing practice to be performed and give the name and address of the employer for approval.</del></p> <p><del>The recipient shall submit to the department verification of employment documentation every four months until the contract obligation has been completely fulfilled.</del></p> <p><del>The recipient shall maintain practice records in a manner that will allow the department to readily determine compliance with the terms and conditions of the contract.</del></p> <p><u>Each participant shall provide</u></p>	<p>Removal of unnecessary language. Insertion of minor clarifying language.</p>

	<p>in a manner that will allow the department to readily determine compliance with the terms and conditions of the contract.</p> <p>The recipient shall notify the department in writing within 30 days of any of the following events:</p> <ol style="list-style-type: none"> <li>1. Recipient changes name;</li> <li>2. Recipient changes address;</li> <li>3. Recipient changes nursing program;</li> <li>4. Recipient changes practice site;</li> <li>5. Recipient no longer intends to fulfill service obligation as a nurse in the Commonwealth; or</li> <li>6. Recipient ceases to practice as an RN or LPN.</li> </ol>	<p><u>information as required by the department to verify compliance with all requirements of the nursing scholarship program (e.g., verification of employment by submitting a Verification of Employment form once every six months).</u></p> <p>The recipient shall notify the department in writing within 30 days if any of the following events occur:</p> <ol style="list-style-type: none"> <li>1. Recipient changes name;</li> <li>2. Recipient changes address;</li> <li>3. Recipient changes nursing program;</li> <li>4. Recipient changes practice site (<u>Recipient is required to request in writing and obtain prior approval of changes in practice site.</u>);</li> <li>5. Recipient no longer intends or is <u>unable</u> to fulfill service obligation as a nurse in the Commonwealth;</li> <li>6. Recipient ceases to practice as an RN or LPN; <u>or</u></li> <li><u>7. Recipient ceases or no longer intends to complete his nursing program.</u></li> </ol>	
<p>12VAC5-510-100</p>	<p>The following are the conditions that constitute a breach of contract:</p> <ol style="list-style-type: none"> <li>1. The recipient fails to complete his nursing studies.</li> <li>2. The recipient fails to begin or complete the term of obligated service within the time frames as specified in the scholarship contract.</li> <li>3. The recipient falsifies or misrepresents information on the program application, the verification of employment forms, or</li> </ol>	<p><del>The following are the conditions that may constitute a breach of contract:</del></p> <ol style="list-style-type: none"> <li>1. The recipient fails to complete his nursing studies;</li> <li>2. The recipient fails to begin or complete the term of obligated service under the terms and conditions of the scholarship contract;</li> <li>3. The recipient falsifies or misrepresents information on the program application, the verification of employment forms, or other required documents; <u>and or</u></li> <li><u>4. The recipient's employment being is terminated for good cause</u></li> </ol>	<p>Removal of unnecessary language. The process for payment of default payments is covered in 12VAC5-510-30 so the repetitive language was eliminated from this section.</p> <p>Wording changed from "and" to "or" to clarify that any one of the enumerated circumstances may constitute a breach of contract</p>

	<p>other required documents.</p> <p>In the event of a breach of contract where the recipient fails to complete his nursing studies, the recipient shall reimburse the Commonwealth of Virginia for the total amount of the scholarship award, plus interest.</p> <p>In the event of a breach of contract where the recipient fails to begin or complete the term of obligated service within the time frames as specified in the scholarship contract, the recipient shall reimburse the Commonwealth of Virginia for the total amount of the scholarship, plus penalty and interest.</p> <p>In the event of a breach of contract where the recipient has partially fulfilled their obligation, the total amount of reimbursement shall be prorated by the proportion of obligation completed.</p>	<p><u>as determined by the employer and confirmed by the department. If employment is terminated for reasons beyond the participant's control (e.g., closure of site), the participant must shall transfer to another site approved by the board in the Commonwealth within six months of termination. Failure of participant to transfer to another site shall be deemed to be a breach of the contract.</u></p> <p><del>In the event of a breach of contract where the recipient fails to complete his nursing studies, the recipient shall reimburse the Commonwealth of Virginia for the total amount of the scholarship award, plus interest.</del></p> <p><del>In the event of a breach of contract where the recipient fails to begin or complete the term of obligated service within the time frames as specified in the scholarship contract, the recipient shall reimburse the Commonwealth of Virginia for the total amount of the scholarship, plus penalty and interest.</del></p> <p><u>In the event of a breach of contract and in accordance with the terms of the contract, the recipient shall make default payments as described in 12VAC5-510-30. In the event of a breach of contract where the recipient has partially fulfilled their obligation, the total amount of reimbursement shall be prorated by the proportion of obligation completed.</u></p>	
<p>12VAC5-510-110</p>	<p>The requirement for continuous engagement in full-time nursing practice may be deferred by the board if the scholarship recipient requests a deferment to pursue a more advanced degree in nursing or a nursing-related field. This deferment, if granted, shall not relieve the recipient of</p>	<p><u>A. The requirement for continuous engagement in full-time nursing practice may be deferred by the board if the scholarship recipient requests a deferment to pursue a more advanced degree in nursing or a nursing-related field an undergraduate or graduate degree in nursing or related to nursing activities. This deferment, if granted, shall not relieve the recipient of the responsibility to</u></p>	<p>Wording changed to better state the variance process and brings the language into conformity with other similar agency regulations.</p>

	<p>the responsibility to complete the remaining portion of the obligation upon completion of the advanced nursing degree.</p> <p>If the recipient is in default due to death or permanent disability, the obligation to reimburse the Commonwealth of Virginia for the total amount of the scholarship award plus interest may be partially or completely waived by the board upon application of the recipient or the recipient's estate to the board.</p> <p>Other individual situations involving severe hardship may be considered by the board for deferment of the service obligation or partial or total waiver of the repayment obligation. Deferment and waiver requests will not be permitted as a matter of course, but may be allowed in the most compelling cases.</p> <p>All requests for deferments or waivers must be submitted in writing to the department for consideration and final disposition by the Advisory Committee or the board.</p>	<p><u>complete the remaining portion of the obligation upon completion of the advanced nursing degree.</u></p> <p><u>B. If the participant is in default due to death or permanent disability the obligation to reimburse the Commonwealth of Virginia for the total amount of the scholarship award plus interest may be partially or completely waived by the board upon application of the recipient or the recipient's estate to the board. so as not to be able to engage in nursing practice in a region with a critical shortage of nurses in the Commonwealth, the participant or his personal representative may be relieved of his obligation under the contract to engage in nursing practice, upon repayment of the total amount of scholarship received plus applicable interest. For participants completing part of the nursing obligation prior to becoming permanently disabled or in the event of death, the total amount of scholarship funds owed shall be reduced by the proportion of obligated years served. The obligation to make restitution may be waived by the board upon application of the participant or the participant's personal representative to the board.</u></p> <p><del>Other individual situations involving severe hardship may be considered by the board for deferment of the service obligation or partial or total waiver of the repayment obligation. Deferment and waiver requests will not be permitted as a matter of course, but may be allowed in the most compelling cases.</del></p> <p><u>C. Individual cases of undue hardship may be considered by the board for a variance by the board of payment or service, pursuant to § 32.1-12 of the Code of Virginia, if it finds compliance with the applicable service requirements or default repayment would pose an undue hardship on the recipient.</u></p>	
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	<p><u>D. All requests for deferments, waivers or variances must be submitted in writing to the department for consideration and final disposition by the Advisory Committee or board.</u></p>	
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**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

The Virginia Department of Health conducted a 60 day public comment period from July 15, 2013 until September 13th, 2013. No public comment was received.

**All changes made in this regulatory action**

*Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
12VAC5-510-10 - Legislative Authority	12VAC5-510-10 - Definitions	<p>Sections 23-35.9 through 23-35.13 of the Code of Virginia authorize annual nursing scholarships for students enrolled in undergraduate and graduate nursing programs. Undergraduate nursing programs are defined as those leading to an associate degree, diploma, or baccalaureate degree in nursing. Graduate nursing programs are those offering masters and doctoral degrees.</p> <p>Under the law, all scholarship awards are made by an Advisory Committee appointed by the State Board of Health. The Advisory Committee consists of eight members: four deans or directors of schools of nursing, two former scholarship recipients, and two members with experience in the administration of student financial aid programs. Committee appointments are for two-year terms and members may not serve for more than two successive</p>	<p><del>Sections 23-35.9 through 23-35.13 of the Code of Virginia authorize annual nursing scholarships for students enrolled in undergraduate and graduate nursing programs. Undergraduate nursing programs are defined as those leading to an associate degree, diploma, or baccalaureate degree in nursing. Graduate nursing programs are those offering masters and doctoral degrees.</del></p> <p><del>Under the law, all scholarship awards are made by an Advisory Committee appointed by the State Board of Health. The Advisory Committee consists of eight members: four deans or directors of schools of nursing, two former scholarship recipients, and two members with experience in the administration of student financial aid programs. Committee appointments are for two-year terms and members may not serve for more than two successive</del></p>

		<p>terms.</p> <p>The Office of Public Health Nursing of the State Health Department serves as the staff element to the Advisory Committee and plays no role in the determination of scholarship recipients.</p> <p>The basis for determining scholarship recipients is established by the Advisory Committee with due regard given to scholastic attainment, financial need, character, and adaptability to the nursing profession.</p>	<p><del>terms.</del></p> <p><del>The Office of Public Health Nursing of the State Health Department serves as the staff element to the Advisory Committee and plays no role in the determination of scholarship recipients.</del></p> <p><del>The basis for determining scholarship recipients is established by the Advisory Committee with due regard given to scholastic attainment, financial need, character, and adaptability to the nursing profession.</del></p> <p><u>The following words and terms when used in this chapter shall have the following meanings:</u></p> <p><u>"Approved nurse education program" means an approved educational program pursuant to Chapter 30 (§ 54.1-3000 et. seq.) of Title 54.1.</u></p> <p><u>"Board" or "Board of Health" means the State Board of Health.</u></p> <p><u>"Commissioner" means the State Health Commissioner.</u></p> <p><u>"Continuous" means no breaks in service greater than a period of six weeks.</u></p> <p><u>"Department" means the Virginia Department of Health.</u></p> <p><u>"Full-time" means at least 32 hours per week for 45 weeks per year.</u></p> <p><u>"Interest" means the legal rate of interest pursuant to § 6.2-302 of the Code of Virginia.</u></p> <p><u>"Licensed Practical Nurse" or "LPN" means a person who is licensed or holds a multistate licensure privilege under the provisions of Chapter 30 of Title 54.1 of the Code of Virginia to practice practical nursing, as defined in § 54.1-3000.</u></p> <p><u>"Penalty" means twice the amount of all monetary payments to the scholarship participant, less any service obligation completed.</u></p> <p><u>"Recipient/participant" means an</u></p>
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			<p><u>eligible LPN or RN of an approved nursing program who enters into a contract with the commissioner and participates in the scholarship program.</u></p> <p><u>"Registered Nurse" or "RN" means a person who is licensed or holds a multistate licensure privilege under the provisions Chapter 30 of Title 54.1 of the Code of Virginia to practice professional nursing, as defined in § 54.1-3000.</u></p> <p>Rationale: Removal of the unnecessary Legislative Authority Section. Moved the information regarding the advisory committee to Section 15 and moved definitions to this Section. This change brings the format of these regulations more in line with other agency regulations. This creates consistency across programs.</p>
N/A	12VAC5-510-15- Advisory Committee	N/A	<p>All scholarship awards shall be made <u>by an Advisory Committee appointed pursuant to Va. Code § 23-35.9.</u></p> <p>Rationale: Moved the information regarding the Advisory Committee to this section. This change brings the format of these regulations more in line with other agency regulations. This creates consistency across programs.</p>
12VAC5-510-20- Eligibility.	12VAC5-510-20- Eligibility.	<p>In order to be considered for a General Assembly Nursing Scholarship, applicants must meet the following criteria:</p> <ol style="list-style-type: none"> <li>1. Be a resident of the State of Virginia for at least one year.</li> <li>2. Be accepted or enrolled in a school of nursing in the State of Virginia which is approved by the State Board of Nursing. The only exception is for students pursuing graduate degrees not offered in the Commonwealth.</li> <li>3. If already enrolled in a nursing program, the applicant must demonstrate a cumulative grade point average of at least 2.5.</li> </ol>	<p>In order to be considered for a General Assembly Nursing Scholarship, <del>an applicants must meet the following criteria shall:</del></p> <ol style="list-style-type: none"> <li>1. <u>Be a United States citizen, national, or qualified alien pursuant to U.S.C. §1621;</u></li> <li><del>2.</del> <u>4. Be a bona fide resident of the State of Virginia by being domiciled in the Commonwealth for at least one year as defined by § 23-7.4 of the Code of Virginia;</u></li> <li><del>3.</del> <u>Be accepted for enrollment or enrolled in a an approved nurse education program school of nursing in the State Commonwealth of Virginia preparing him for</u></li> </ol>

		<p>4. Submit a completed application form and appropriate grade transcript to the Office of Public Health Nursing prior to the established deadline dates.</p> <p>5. Demonstrate financial need which is verified by the Financial Aid Officer/authorized person.</p> <p>FAILURE TO COMPLY WITH ALL OF THESE CRITERIA WILL CAUSE THE APPLICANT TO BE INELIGIBLE FOR A SCHOLARSHIP.</p>	<p><u>examination for licensure as a practical nurse or registered nurse; which is approved by the State Board of Nursing. The only exception is for students pursuing graduate degrees not offered in the Commonwealth.</u></p> <p><del>3</del> <u>4.</u> If already enrolled in <del>a</del> <u>an approved nurse nursing education program in the Commonwealth of Virginia</u> , the applicant must demonstrate a cumulative grade point average of at least 2.5 <u>in core nursing classes-</u></p> <p><del>4</del> <u>5.</u> Submit a completed application form and appropriate grade transcript to <del>the Office of Public Health Nursing</del> prior to the established deadline dates ;</p> <p><del>5</del> <u>6.</u> Demonstrate financial need which is verified by the <del>Financial Aid Officer/authorized person</del> <u>school's financial aid officer/authorized person as part of the application process;</u> <u>and</u></p> <p><u>7.</u> <u>Not have an active military obligation.</u></p> <p>FAILURE TO COMPLY WITH ALL OF THESE CRITERIA WILL CAUSE THE APPLICANT TO BE INELIGIBLE FOR A SCHOLARSHIP.</p> <p><u>An applicant who fails to meet all of these requirements shall be ineligible for a scholarship.</u></p> <p>Rationale: Insertion of clarifying language that brings these regulations in conformity with current practice and other agency regulations.</p>
<p>12VAC5-510-30 - Conditions of scholarships</p>	<p>12VAC5-510-30 - Conditions of scholarships</p>	<p>It is important that all applicants fully understand the conditions of acceptance of a General Assembly Nursing Scholarship. These awards are not outright gifts. For each \$100 of scholarship money received, the recipient agrees to engage in full-time (40 hours per week) nursing practice in the Commonwealth for one month. Therefore, if a student receives \$500 in scholarship awards, they must</p>	<p><del>It is important that all applicants fully understand the conditions of acceptance of a General Assembly Nursing Scholarship. These awards are not outright gifts. For each \$100 of scholarship money received, the recipient agrees to engage in full-time (40 hours per week) nursing practice in the Commonwealth for one month. Therefore, if a student receives \$500 in scholarship awards, they must</del></p>

		<p>repay that amount by working continuously for 5 months. Full-time employment must begin within 60 days of the recipient's graduation date. Voluntary military service, even if stationed in Virginia, cannot be used to repay scholarship awards.</p> <p>If a scholarship recipient fails to complete their studies, or engage in full-time nursing practice in Virginia, the full amount of money represented in the scholarship(s) received, plus an annual interest charge, must be refunded.</p> <p>If a recipient leaves the State, or ceases to engage in full-time nursing practice before all employment conditions of the scholarship award are fulfilled, the recipient must repay the balance on his/her account plus an annual interest charge.</p> <p>All refund checks should be made payable to the Commonwealth of Virginia and mailed to:</p> <p>Office of Public Health Nursing          State Health Department          1500 East Main Street          Suite 227          Richmond, Virginia 23219</p> <p>Before any scholarship is awarded, the applicant must sign a written contract agreeing to the terms established by law and the Advisory Committee.</p>	<p><del>repay that amount by working continuously for 5 months. Full-time employment must begin within 60 days of the recipient's graduation date. Voluntary military service, even if stationed in Virginia, cannot be used to repay scholarship awards.</del></p> <p><del>If a scholarship recipient fails to complete their studies, or engage in full-time nursing practice in Virginia, the full amount of money represented in the scholarship(s) received, plus an annual interest charge, must be refunded.</del></p> <p><del>If a recipient leaves the State, or ceases to engage in full-time nursing practice before all employment conditions of the scholarship award are fulfilled, the recipient must repay the balance on his/her account plus an annual interest charge.</del></p> <p><del>All refund checks should be made payable to the Commonwealth of Virginia and mailed to:</del></p> <p><del>Office of Public Health Nursing          State Health Department          1500 East Main Street          Suite 227          Richmond, Virginia 23219</del></p> <p><del>Before any scholarship is awarded, the applicant must sign a written contract agreeing to the terms established by law and the Advisory Committee.—</del></p> <p><u>A. Prior to becoming a participant in the General Assembly Nursing Scholarship program, the applicant shall enter into a contract with the commissioner agreeing to the terms and conditions upon which the scholarship is granted.</u></p> <p><u>B. For each \$2,000 of scholarship money received, the participant agrees to engage in the equivalent of one year of full-time nursing practice in a region with a critical shortage of nurses in the Commonwealth. The</u></p>
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			<p><u>recipient shall notify the department, within 180 days of being awarded a nursing diploma or degree, of the type of nursing practice to be performed and give the name and address of the employer for approval. Voluntary military service, even if stationed in Virginia, cannot be used to repay the service obligation required when a scholarship is awarded.</u></p> <p><u>The participant may request approval of a change of practice site. Such requests shall be made in writing. The department in its discretion may approve such a request.</u></p> <p><u>C. If a participant fails to complete his studies, the full amount of the scholarships or scholarships received, plus the applicable interest charge, shall be repaid. A recipient may terminate a contract while enrolled in school after notice to the board and upon repayment within 90 days of the entire amount of the scholarship plus interest.</u></p> <p><u>D. If upon graduation a participant leaves the Commonwealth or fails to engage or ceases to engage in nursing practice in a region with a critical shortage of nurses in the Commonwealth before all employment conditions of the scholarship award are fulfilled, the participant shall repay the award amount reduced by the proportion of obligated years served plus the applicable interest and penalty.</u></p> <p><u>E. All default payments shall be made payable to the Commonwealth of Virginia.</u></p> <p>Rationale: These changes rearrange the language of the section and update the regulations to bring the regulations in line with current practice and other agency regulations. These changes are clarifying in nature.</p>
<p>12VAC5-510-40.</p>	<p>12VAC5-510-40. Number</p>	<p>Scholarships are awarded for single academic years. However, the same</p>	<p>Scholarships <del>are</del> shall be awarded for single academic years. However, the same student may, after</p>

<p>Number of applications per student.</p>	<p>of applications per student.</p>	<p>student may, after demonstrating satisfactory progress in his/her studies, apply for and receive scholarship awards for any succeeding academic year or years. No student may receive scholarships for more than a total of five years.</p>	<p>demonstrating satisfactory progress in <del>his/her</del> <u>his</u> studies, <u>which is demonstrated by a cumulative grade point average of 2.5 in core nursing classes</u>, apply for and receive scholarship awards for <del>any</del> a succeeding academic year or years. No student <del>may</del> <u>shall</u> receive scholarships for more than a total of <del>five</del> <u>four</u> years.</p> <p>Rationale: Minor clarifying language which brings the regulations in conformity with current practice and other agency regulations. Primarily elaborating the requirements for an applicant's renewal of scholarship.</p>
<p>12VAC5-510-50- Amounts of scholarships.</p>	<p>12VAC5-510-50- Amounts of scholarships.</p>	<p>The amount of each scholarship award is dependent upon the amount of money appropriated by the General Assembly and the number of qualified applicants. No recipient will receive an award for less than one hundred and fifty dollars. Graduate nursing scholarships may not exceed four thousand dollars annually.</p>	<p>The <del>amount</del> <u>number</u> of <del>each</del> scholarships awarded <del>is</del> <u>shall be</u> dependent upon the amount of money appropriated by the General Assembly, <u>the amount of the funds available within the Nursing Scholarship and Loan Repayment Fund administered by the Board of Nursing pursuant to § 54.1-3011.2 of the Code of Virginia</u>, and the number of qualified applicants. <del>No</del> <u>Each</u> recipient <del>will</del> <u>shall</u> receive an award for <del>of less than one hundred and fifty dollars</del> <u>\$2,000 per year</u>. <del>Graduate nursing scholarships may not exceed four thousand dollars annually.</del></p> <p>Rationale: Minor clarifying language which brings the regulations in conformity with current practice and other agency regulations. Primarily noting the maximum award amount and another source of funding for the Nursing Scholarship Program.</p>
<p>12VAC5-510-60 - How to apply.</p>	<p>12VAC5-510-60 - How to apply.</p>	<p>Applications and Guidelines are available from the Dean/Director of your school or from the Financial Aid Office.</p> <p>If a student is pursuing a graduate degree not available in Virginia, applications may be obtained directly from the Office of Public Health Nursing, State Health Department, 1500 East Main Street, Suite 227, Richmond, VA 23219.</p>	<p><del>Applications and Guidelines are available from the Dean/Director of your school or from the Financial Aid Office.</del></p> <p><del>If a student is pursuing a graduate degree not available in Virginia, applications may be obtained directly from the Office of Public Health Nursing, State Health Department, 1500 East Main Street, Suite 227, Richmond, VA 23219.</del></p> <p>Eligible applicants shall submit a</p>

			<p><u>complete application made available by the department on the department's website. A complete application shall include documentation of all eligibility requirements. The deadline for submission of the application shall be announced by the department on the department's website.</u></p> <p>Rationale: This language brings the section more in line with other agency regulations. This change is intended to update the regulations to current practice.</p>																																																
<p>12VAC5-510-70 - Deadline dates</p>	<p>N/A</p>	<p>Applications will not be accepted in the Office of Public Health Nursing more than 6 months in advance of the following deadline dates:</p> <p>March 15 - for students already enrolled in schools of nursing.</p> <p>June 15 - for new students entering nursing programs.</p> <p>APPLICATIONS AND/OR TRANSCRIPTS RECEIVED AFTER 5:00 PM ON THE ABOVE DATES WILL NOT BE CONSIDERED FOR SCHOLARSHIP AWARDS.</p> <p>FLOW CHART OF RESPONSIBILITIES</p> <table border="1" data-bbox="565 1268 1008 1892"> <tr> <td colspan="4">D - Dean or Director</td> </tr> <tr> <td colspan="4">FAO - Financial Aid Officer</td> </tr> <tr> <td colspan="4">S-R - Student-Recipient</td> </tr> <tr> <th>RESPONSIBILITY</th> <th>D</th> <th>FAO</th> <th>S-R</th> </tr> <tr> <td>Distribute applications &amp; Guidelines to those students who otherwise could not provide sufficient funds for themselves while in school.</td> <td>X</td> <td>X</td> <td></td> </tr> <tr> <td>Maintain supply of</td> <td>X</td> <td></td> <td></td> </tr> </table>	D - Dean or Director				FAO - Financial Aid Officer				S-R - Student-Recipient				RESPONSIBILITY	D	FAO	S-R	Distribute applications & Guidelines to those students who otherwise could not provide sufficient funds for themselves while in school.	X	X		Maintain supply of	X			<p><del>Applications will not be accepted in the Office of Public Health Nursing more than 6 months in advance of the following deadline dates:</del></p> <p><del>March 15 - for students already enrolled in schools of nursing.</del></p> <p><del>June 15 - for new students entering nursing programs.</del></p> <p><del>APPLICATIONS AND/OR TRANSCRIPTS RECEIVED AFTER 5:00 PM ON THE ABOVE DATES WILL NOT BE CONSIDERED FOR SCHOLARSHIP AWARDS.</del></p> <p><del>FLOW CHART OF RESPONSIBILITIES</del></p> <table border="1" data-bbox="1040 1251 1484 1892"> <tr> <td colspan="4"><del>D - Dean or Director</del></td> </tr> <tr> <td colspan="4"><del>FAO - Financial Aid Officer</del></td> </tr> <tr> <td colspan="4"><del>S-R - Student-Recipient</del></td> </tr> <tr> <th><del>RESPONSIBILITY</del></th> <th><del>D</del></th> <th><del>FAO</del></th> <th><del>S-R</del></th> </tr> <tr> <td><del>Distribute applications &amp; Guidelines to those students who otherwise could not provide sufficient funds for themselves while in school.</del></td> <td><del>X</del></td> <td><del>X</del></td> <td><del>-</del></td> </tr> <tr> <td><del>Maintain supply of current scholarship</del></td> <td><del>X</del></td> <td><del>-</del></td> <td><del>-</del></td> </tr> </table>	<del>D - Dean or Director</del>				<del>FAO - Financial Aid Officer</del>				<del>S-R - Student-Recipient</del>				<del>RESPONSIBILITY</del>	<del>D</del>	<del>FAO</del>	<del>S-R</del>	<del>Distribute applications &amp; Guidelines to those students who otherwise could not provide sufficient funds for themselves while in school.</del>	<del>X</del>	<del>X</del>	<del>-</del>	<del>Maintain supply of current scholarship</del>	<del>X</del>	<del>-</del>	<del>-</del>
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		current scholarship applications and guidelines. Notify the Office of Public Health Nursing when applications are needed.				applications and guidelines. Notify the Office of Public Health Nursing when applications are needed.			
		Make certain all parts of the application are completed, including the Financial Aid Officer/Authorized Person and Dean/Director signatures.			X	Make certain all parts of the application are completed, including the Financial Aid Officer/Authorized Person and Dean/Director signatures.	-	-	X
		Be certain that a current transcript of grades (high school, or college if now attending) is sent to the Office of Public Health Nursing when applying for a scholarship (original and repeat requests) before deadline dates.			X	Be certain that a current transcript of grades (high school, or college if now attending) is sent to the Office of Public Health Nursing when applying for a scholarship (original and repeat requests) before deadline dates.	-	-	X
		Review entire Section V Financial Data of application. Review whatever school records are accessible to determine the individual applicant's assets and expenditures.		X		Review entire Section V Financial Data of application. Review whatever school records are accessible to determine the individual applicant's assets and expenditures.	-	X	-
		Recommend amount of scholarship to be awarded. Should there be a conflict between the student's request and the Financial Aid Officer's/Authorized Person's opinion of		X		Recommend amount of scholarship to be awarded. Should there be a conflict between the student's request and the Financial Aid Officer's/Authorized Person's opinion of the amount that is	-	X	-

		the amount that is needed, an explanation should be included.				needed, an explanation should be included.			
		Review the completed application form before affixing the signature thereby indicating:	X			Review the completed application form before affixing the signature thereby indicating:	X	-	-
		A. The applicant has properly completed the application form.				- A. The applicant has properly completed the application form.	-	-	-
		B. The Financial Aid Officer has verified proof of need.				- B. The Financial Aid Officer has verified proof of need.	-	-	-
		C. The applicant's entrance and graduation dates are correct.				- C. The applicant's entrance and graduation dates are correct.	-	-	-
		D. The school of nursing is recommending the applicant for a scholarship based upon potential nursing ability.				- D. The school of nursing is recommending the applicant for a scholarship based upon potential nursing ability.	-	-	-
		Furnish whatever pertinent data that would be helpful to the scholarship committee when making the awards.	X	X	X	Furnish whatever pertinent data that would be helpful to the scholarship committee when making the awards.	X	X	X
		Forward the completed and signed application to the Office of Public Health Nursing before deadline dates.			X	Forward the completed and signed application to the Office of Public Health Nursing before deadline dates.	-	-	X
		Submit a transcript of grades to the			X	Submit a transcript of grades to the Office of Public	-	-	X

		Office of Public Health Nursing at the end of each grading period during scholarship year.				<del>Health Nursing at the end of each grading period during scholarship year.</del>			
		Notify the Office of Public Health Nursing when student-recipient fails, transfers or withdraws from the school.	X		X	<del>Notify the Office of Public Health Nursing when student-recipient fails, transfers or withdraws from the school.</del>	X	-	X
		Notify the Office of Public Health Nursing when student-recipient graduation date is changed.	X		X	<del>Notify the Office of Public Health Nursing when student-recipient graduation date is changed.</del>	X	-	X
		Notify the Office of Public Health Nursing when there is a change in recipient's name and/or address			X	<del>Notify the Office of Public Health Nursing when there is a change in recipient's name and/or address</del>	-	-	X
		Upon graduation, notify the Office of Public Health Nursing of plans for employment and beginning date of employment.			X	<del>Upon graduation, notify the Office of Public Health Nursing of plans for employment and beginning date of employment.</del>	-	-	X
		Submit verification of employment to Office of Public Health Nursing at least every 6 months until work obligation is fulfilled.			X	<del>Submit verification of employment to Office of Public Health Nursing at least every 6 months until work obligation is fulfilled.</del>	-	-	X
		<p>Rationale: Repeal of the section. The deadline dates shall be posted on the Department's website which is noted in 12VAC5-510-60. This allows the program more fluidity and will not require a regulation change when changes to the deadlines are necessary from year to year.</p>							

<p>N/A</p>	<p>12VAC5-510-80. Scholarship contract.</p>	<p>N/A</p>	<p><u>Applicants selected to receive scholarship awards by the Advisory Committee shall sign and return a written contract to the department by the specified deadline date. Failure to return the contract by the specified deadline date may result in the award being rescinded. At minimum, the scholarship contract shall include the following elements:</u></p> <ol style="list-style-type: none"> <li><u>1. The total amount of the award and the award period;</u></li> <li><u>2. Agreement to pursue an LPN or RN degree in nursing at a school of nursing in the Commonwealth of Virginia that is approved by the Board of Nursing;</u></li> <li><u>3. Agreement to begin continuous full-time employment within 180 days of the recipient's graduation;</u></li> <li><u>4. Agreement to comply with all reporting requirements;</u></li> <li><u>5. Agreement to the terms of service requiring continuous full-time nursing practice in the Commonwealth for a specified period of time and the terms and conditions associated with a breach of contract;</u></li> <li><u>6. Signature of the applicant;</u></li> <li><u>7. Signature of the commissioner or his designee; and</u></li> <li><u>8. Other provisions as the commissioner may deem appropriate.</u></li> </ol> <p>Rationale: Creation of a new section to lay out the requirements of the scholarship contract. This section not only reiterates language regarding the contract found in the Code of Virginia, but provides greater detail regarding the structure and content of the contract. This leads to greater clarity and transparency of the regulations.</p>
<p>N/A</p>	<p><u>12VAC5-510-85. Practice Site</u></p>	<p>N/A</p>	<p><u>Each recipient shall perform his service obligation in a region with a critical shortage of nurses in the</u></p>

	<p><u>Selection.</u></p>		<p><u>Commonwealth. A recipient shall perform his service obligation at a practice site in either a health professional shortage area or a medically underserved area. Maps of health professional shortage areas and medically underserved areas shall be available on the department's website.</u></p> <p>Rationale: The insertion of this section clarifies where recipients of the Nursing Scholarship must perform their obligated service. The addition of this section leads to greater clarity and transparency of the regulations.</p>
<p>N/A</p>	<p><u>12VAC5-510-90 Reporting requirements.</u></p>	<p>N/A</p>	<p><u>Each participant shall provide information as required by the department to verify compliance with all requirements of the nursing scholarship program (e.g., verification of employment by submitting a Verification of Employment form once every six months).</u></p> <p><u>The recipient shall notify the department in writing within 30 days if any of the following events occur:</u></p> <ol style="list-style-type: none"> <li><u>1. Recipient changes name;</u></li> <li><u>2. Recipient changes address;</u></li> <li><u>3. Recipient changes nursing program;</u></li> <li><u>4. Recipient changes practice site (Recipient is required to request in writing and obtain prior approval of changes in practice site.);</u></li> <li><u>5. Recipient no longer intends or is unable to fulfill service obligation as a nurse in the Commonwealth;</u></li> <li><u>6. Recipient ceases to practice as an RN or LPN; or</u></li> <li><u>7. Recipient ceases or no longer intends to complete his nursing program.</u></li> </ol> <p>Rationale: The insertion of this section clarifies what the reporting requirements of recipients of the Nursing Scholarship. The reporting requirements will provide the</p>

			<p>framework for program administration, ensuring that scholarship recipients are in compliance with program requirements. The addition of this section leads to greater clarity and transparency of the regulations.</p>
<p>N/A</p>	<p><u>12VAC5-510-100- Breach of contract.</u></p>	<p>N/A</p>	<p>The following may constitute a breach of contract:</p> <ol style="list-style-type: none"> <li>1. <u>The recipient fails to complete his nursing studies;</u></li> <li>2. <u>The recipient fails to begin or complete the term of obligated service under the terms and conditions of the scholarship contract;</u></li> <li>3. <u>The recipient falsifies or misrepresents information on the program application, the verification of employment forms, or other required documents; or</u></li> <li>4. <u>The recipient's employment is terminated for good cause as determined by the employer and confirmed by the department. If employment is terminated for reasons beyond the participant's control (e.g., closure of site), the participant shall transfer to another site approved by the board in the Commonwealth within six months of termination. Failure of participant to transfer to another site shall be deemed to be a breach of the contract.</u></li> </ol> <p><u>In the event of a breach of contract and in accordance with the terms of the contract the recipient shall make default payments as described in 12VAC5-510-30. In the event of a breach of contract where the recipient has partially fulfilled his obligation, the total amount of reimbursement shall be prorated by the proportion of obligation completed.</u></p> <p>Rationale: The insertion of this section clarifies what actions qualify as a breach of contract of the Nursing Scholarship Program. The addition of this section leads to greater clarity and transparency of the regulations.</p>

<p>N/A</p>	<p><u>12VAC5-510-110. Deferment and waivers.</u></p>	<p>N/A</p>	<p><u>A. The requirement for continuous engagement in full-time nursing practice may be deferred by the board if the scholarship recipient requests a deferment to pursue an undergraduate or graduate degree in nursing or related to nursing activities. This deferment, if granted, shall not relieve the recipient of the responsibility to complete the remaining portion of the obligation upon completion of the degree.</u></p> <p><u>B. If the participant is in default due to death or permanent disability so as not to be able to engage in nursing practice in a region with a critical shortage of nurses in the Commonwealth, the participant or his personal representative may be relieved of his obligation under the contract to engage in nursing practice, upon repayment of the total amount of scholarship received plus applicable interest. For participants completing part of the nursing obligation prior to becoming permanently disabled or in the event of death, the total amount of scholarship funds owed shall be reduced by the proportion of obligated years served. The obligation to make restitution may be waived by the board upon application of the participant or the participant's personal representative to the board.</u></p> <p><u>C. Individual cases may be considered by the board for a variance of payment or service, pursuant to § 32.1-12 of the Code of Virginia, if it finds compliance with the applicable service requirements or default repayment would pose an undue hardship on the recipient.</u></p> <p><u>D. All requests for deferments, waivers or variances must be submitted in writing to the department for consideration and final disposition by the board.</u></p> <p>Rationale: Currently there are no waiver provisions and recipients who encounter hardship and cannot fulfill their obligations automatically go into</p>
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			<p>default status. The program will be more flexible and work with recipients and their families to allow them to defer repayment obligations and/or waive requirements of the contract in the event of unanticipated life events such as disability and death.</p>
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