

Clearinghouse Rule 17-024

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS
AMENDING RULES REGARDING VA 18
REGISTERED NURSE EDUCATION STIPEND ASSISTANCE PROGRAM**

The statement of scope for this rule to modify Chapter VA 18, SS 049-16, was approved by the Governor on May 9, 2016, published in Register No. 725B on May 31, 2016, and approved by Secretary John A. Scocos on June 10, 2016.

ORDER

The Department of Veterans Affairs proposes an order to create VA 18.02(1)(e) and to amend VA 18 (title), VA 18.02(1), VA 18.02(1)(a), VA 18.02(1)(b), VA 18.02(2) and VA 18.02(3).

RULE SUMMARY/ANALYSIS
PREPARED BY THE DEPARTMENT OF VETERANS AFFAIRS

- 1. Statute interpreted:** Section 45.50(2m)(f), Stats.
- 2. Statutory authority:** Sections 45.50.(2m)(f), 45.03 (2) and 227.10 (2m)
- 3. Explanation of agency authority:**

Section 45.50(2m)(f). The department shall promulgate rules for any program developed under this statute establishing the application process, eligibility criteria, stipend amount, repayment provisions and any other necessary provisions.

Section 45.03 (2): Rule-making; records. The secretary, after consulting with the board, may promulgate rules necessary to carry out the purposes of this chapter and the powers and duties conferred upon it. The records and files of the department of military affairs and of any other state department or officer shall, upon request, be made available to the secretary or to the board; and,

Section 227.10 (2m), Stats., directs each agency to promulgate rules for the implementation or enforcement of any standard, requirement, or threshold.

- 4. Related statutes or rules:**

None

- 5. Plain language analysis:**

The purpose of the proposed amendment is to convert the existing rule VA 18 to encompass all staff professional development. This rule change will create an application and approval process for the Licensed Practical Nurse (LPN) professional development and create a loan repayment system.

The Nurse Education Assistance Program will have two purposes, to provide stipends to those participants wishing to become an LPN or RN and establish a repayment plan for those who do not complete the program. The Legislative Audit Bureau (Report 11-3) recommended the Department develop and promulgate rules for: (1) the Licensed Practical Nurse Stipend Program that are similar to Ch. VA 18, Wis. Adm. Code, which governs the Registered Nurse Education Stipend Program; and (2) include application procedures, eligibility criteria, maximum stipend amounts, and repayment requirements for participants who do not fulfill their commitments.

The proposed rule change will allow those qualified and interested in becoming an LPN or RN to obtain education stipends, and have a repayment strategy for those who do not finish the education program. The Program will operate on an as needed basis determined by the Secretary and be titled the Nurse Education Assistance Program.

6. Summary of, and comparison with, existing or proposed federal statutes and regulations.

Both the current Registered Nurse Education Stipend and the Nurse Education Assistance Program that will be created by amending this rule are administered under the authority of state law. There are no existing or proposed federal regulations that address the activities to be regulated by the rule.

7. Comparison with rules in adjacent states:

In reviewing the statutes, rules and websites of veterans departments of adjacent states there is no analog program. Illinois offers a Nursing Education Scholarship Program under 110 ILCS 975, 77 Ill. Admin Code 597, however this is unrelated to employment related to veterans or at a veterans home. Illinois also offers a Veterans Home Nurse Loan Repayment Program under 110 ILCS 972, 23 IAC Ch XIX, Sec 2757, however this offers repayment of existing loans related to time worked at that state's veterans homes.

8. Summary of factual data and analytical methodologies:

The Department relies on its experience in administering this grant program since its inception in 2004.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

There is no anticipated impact on small businesses.

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10. Effect on small business:

There is no anticipated impact on small businesses.

11. Comments and opinions prepared by the Board of Veterans Affairs under s. 45.03(2m), Stats.:

The Board members unanimously voted to approve adopting the proposed language to Chapter VA 18, the Nurse Education Assistance Program, and offered no comments.

12. Agency contact person:

Kelly Brady, paralegal, Office of Legal Counsel, Department of Veterans Affairs, 608-266-7916, Kelly.Brady@dva.wisconsin.gov.

13. Public comments:

Written comments may also be submitted using the Wisconsin Administrative Rules website at with <http://docs-preview.legis.wisconsin.gov/code/comment> prior to the close of business on the date of the public hearing on this rule.

SECTION 1.

VA 18 (title) is amended to read:

VA 18 (title) ~~REGISTERED NURSE EDUCATION STIPEND-ASSISTANCE PROGRAM.~~

SECTION 2.

VA 18.02 (1) (intro.) is repealed and recreated to read:

VA 18.02 (1) ELIGIBILITY. (intro.) An individual may apply to the department to receive a stipend. An applicant who meets all of the following criteria shall be eligible to receive a stipend:

SECTION 3.

VA 18.02 (1) (a) and (b) are consolidated, renumbered VA 18.02 (1) (a) and amended to read:

VA 18.02 (1) (a) The applicant has been accepted into ~~the~~ a practical nursing or registered nurse nursing program at an accredited school of nursing in this state. ~~(b) The~~ and, if the nursing program is longer than 2 years, the applicant has earned sufficient credits in the nursing program so that it is reasonable to the department may reasonably conclude that the applicant will attain the credentials credential necessary to become employed by the department's Division of Homes at the home as a licensed practical or registered nurse within two 2 years of receipt of an initial stipend payment.

SECTION 4.

VA 18.02 (1) (e) is created to read:

VA 18.02 (1) (e) The applicant is a permanent classified, non-probationary employee of the department's Division of Homes, and is in good standing with relation to attendance, has had no disciplinary actions for the prior 12 months, has a satisfactory performance evaluation for the prior rating period, and is determined suitable to be employed as a licensed practical nurse or registered nurse at one of the department's homes.

SECTION 5.

VA 18.02 (2) and (3) are amended to read:

VA 18.02 (2) APPLICATION PROCEDURE. An individual may file an application with the department on a form approved by the department. The applicant shall provide sufficient information to establish that the applicant meets the eligibility criteria of sub. (1). The department shall periodically evaluate applications and interview those applicants who meet the eligibility criteria. Subsequent to an interview, the department shall certify an applicant who meets the eligibility criteria ~~and who is determined to be a suitable employee as a registered nurse at the home. The applicant shall be certified for a 6-month period.~~ The department may provide a stipend to a certified applicant upon the applicant's execution of an agreement under sub. (4). If the payment of stipends to all currently certified applicants would deplete the ~~amount~~ of funds available for the payment of stipends, the department may give priority to certified applicants who are veterans or dependents of veterans.

(3) STIPEND AMOUNT. The department may award a stipend to a certified applicant of up to ~~\$3750.00~~\$5,000.00 per semester to a full-time student and ~~\$1875.00~~\$2,500.00 per semester to a part-time student. The initial stipend payment shall be provided within 60 days of the execution of the written agreement entered into under sub. (4). Subsequent stipend payments shall be provided in separate payments for each semester attended by the applicant, subject to the conditions of the written agreement entered into under sub. (4). The amount received as a stipend shall be disregarded by the department in determining the applicant's entitlement to a grant under s. 45.20 or 45.21, Stats.

END OF RULE TEXT

SECTION 6.

Effective date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated this ____ day of _____, 2017.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

Daniel J. Zimmerman, Secretary