

STATE OF WISCONSIN
Department of Veterans Affairs

Clearinghouse Rule 17-024

ORDER OF THE STATE OF WISCONSIN DEPARTMENT OF VETERANS AFFAIRS
ADOPTING PERMANENT RULES

An order of the Department of Veterans Affairs *to consolidate, renumber, and amend* VA 18.02 (1) (a) and (b); *to amend* VA 18 (title), 18.01 (intro.) and (3), 18.02 (2), (3), and (4) (a) to (c); *to repeal and recreate* VA 18.02 (1) (intro); *and to create* 18.02 (1) (e), relating to the educational assistance program.

ANALYSIS

Analysis prepared by the Department of Veterans Affairs.

Statutes interpreted:

Section 45.50 (2m) (f), Stats.

Statutory authority:

Section 45.50 (2m) (f), Stats.

Explanation of agency authority:

Section 45.50 (2m) (f), Stats., authorizes the department to develop a program to provide stipends to individuals to attend school and receive the necessary credentials to become employed at veterans homes. If the department develops a stipend program, the department is required to promulgate rules related to the program that includes... “the application process, eligibility criteria, stipend amount, repayment provisions, and other provisions that the department determines are necessary to administer the program.”

Related statute or rule:

N/A

Plain language analysis:

The current rules provide educational stipends for registered nurses. The purpose of the proposed rules is to expand eligibility of the stipend program to encompass other related healthcare professions, create an application and approval process for the stipend program, and create a repayment strategy for those who do not complete the program.

The proposed rule will assist qualified and interested participants to advance their professional development by receiving an educational assistance stipend for a licensed practical nurse or registered nurse for employment at a Veterans Home. The stipend program will operate on an as needed basis determined by the Department and be titled the *Educational Assistance Program*.

The Legislative Audit Bureau (Report 11-3) recommended that the Department develop and promulgate rules for: (1) The Licensed Practical Nurse Stipend Program similar to rules in Ch. VA 18, which currently 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 rules incorporate the LAB's recommendations. Additional rule modifications were made to correct outdated references, and improve clarity, consistency, and format in accordance with rulemaking standards.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois offers a Nursing Education Scholarship Program under 110 ILCS 975, 77 Ill. Admin Code 597, however this is unrelated to employment at a veterans home or providing care for veterans. Illinois also offers a Veterans Home Nurse Loan Repayment Program under 110 ILCS 972, 23 IAC Ch XIX, Sec 2757, however this program offers repayment of existing loans related to time worked at the veterans homes.

Iowa, Michigan, and Minnesota: Iowa, Michigan, and Minnesota do not offer a nursing scholarship program.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of the current rules relating to the nurse education stipend program along with the recommendations of the Legislative Audit Report (Report 11-3). The Department relies on its experience in administering the education assistance grant program since its inception in 2004.

Pursuant to ss. 45.03 (2m) and 227.14 (2) (a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules. The Board voted unanimously to approve adopting the proposed rules and offered no additional comments.

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 business. The department posted the proposed rules to solicit information from the public and stakeholders to determine the potential impact of the proposed rule on the overall economic impact and the impact on small business. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

The proposed rules do not have an anticipated economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Agency contact:

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Place where comments are to be submitted and deadline for submission:

The deadline to submit comments was April 27, 2017.

TEXT OF RULE

SECTION 1. Chapter VA 18 (title), and 18.01 (intro.) and (3) are amended to read:

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

VA 18.01 Definitions. (intro.) In this chapter, the following terms shall have the designated meanings:

(3) "Stipend" means a an educational assistance payment made to an individual under s. 45.50 (2m) (f), Stats.

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 shall be eligible to receive a stipend provided all of the following criteria are met:

SECTION 3. VA 18.02 (1) (a) and (b) are consolidated, renumbered VA 18.02 (1) (a), and as renumbered, is amended to read:

VA 18.02 (1) (a) The applicant has been accepted into ~~the registered nurse~~ an accredited nursing program at an accredited approved school of nursing in this state accordance with ch. N 1. ~~(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 at a veterans home as a licensed practical nurse 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 determined suitable to be employed as a licensed practical nurse or registered nurse at a veterans home.

SECTION 5. VA 18.02 (2), (3), and (4) (a) to (c) 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.

(4) (a) The applicant fails to satisfactorily complete a semester or course ~~which~~ that precludes the applicant from completing the ~~registered nurse training~~ nursing program within the time period designated in the agreement.

(b) The applicant fails to maintain the status of a nursing student in good-standing, as verified by the school.

(c) The applicant fails to accept or maintain employment as a licensed practical nurse or registered nurse with the department for the time period designated in the agreement.

SECTION 6. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)