



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0382

Introduced 1/30/2009, by Rep. James D. Brosnahan

SYNOPSIS AS INTRODUCED:

110 ILCS 975/2	from Ch. 144, par. 2752
110 ILCS 975/3	from Ch. 144, par. 2753
110 ILCS 975/6.5 new	
225 ILCS 65/70-50	was 225 ILCS 65/20-40

Amends the Nursing Education Scholarship Law. Requires the Department of Public Health to provide nurse educator scholarships, to be awarded for a period of up to 3 years. Provides that within 12 months after graduation from a graduate degree in nursing program for nurse educators, a scholarship recipient shall begin meeting a nurse educator employment obligation consisting of employment in this State as a nurse educator for at least 2 years for each year of scholarship assistance received. Provides that any person who fails to fulfill the nurse educator employment obligation shall pay to the Department an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nurse educator employment obligation, together with interest at 7% per year on the unpaid balance. Requires the Department to maintain a database of all available nurse educator positions in this State. Amends the Nurse Practice Act to provide that for the fiscal year beginning July 1, 2009 and for each fiscal year thereafter, \$2,000,000 (instead of \$1,200,000) of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated for nursing scholarships. Imposes conditions on any rulemaking authority. Effective immediately.

LRB096 03533 NHT 13558 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Education Scholarship Law is amended
5 by changing Sections 2 and 3 and by adding Section 6.5 as
6 follows:

7 (110 ILCS 975/2) (from Ch. 144, par. 2752)

8 Sec. 2. Legislative finding and declaration of policy.

9 (a) The General Assembly finds and hereby declares that the
10 provision of a higher education leading to an associate degree
11 in nursing, an associate degree in applied sciences in nursing,
12 a hospital-based diploma in nursing, a baccalaureate degree in
13 nursing, a graduate degree in nursing, or a certificate in
14 practical nursing for persons of this State who desire such an
15 education is important to the health, welfare and security of
16 this State and Nation, and consequently is an important public
17 purpose. Many qualified and potential nurses are deterred by
18 financial considerations from pursuing their nursing
19 education, with consequent irreparable loss to the State and
20 Nation of talents vital to health, welfare and security. A
21 system of scholarships, repayment of which may be excused if
22 the individual is employed as a registered professional nurse
23 or a licensed practical nurse after obtaining an associate

1 degree in nursing, associate degree in applied sciences in
2 nursing, hospital-based diploma in nursing, baccalaureate
3 degree in nursing, graduate degree in nursing, or certificate
4 in practical nursing, will enable such individuals to attend
5 approved institutions of their choice in the State, public or
6 private.

7 (b) The General Assembly finds that there is a critical
8 shortage of nursing instructors in this State, and such a
9 shortage will only worsen the shortage of available nurses in
10 this State and jeopardize the quality of healthcare citizens of
11 this State have every right to enjoy. In order to provide for
12 the health, safety, and welfare of the citizens of this State,
13 the General Assembly declares that there is a need for an
14 increase in skilled nurse educators in this State.

15 (Source: P.A. 92-43, eff. 1-1-02; 93-879, eff. 1-1-05.)

16 (110 ILCS 975/3) (from Ch. 144, par. 2753)

17 Sec. 3. Definitions.

18 The following terms, whenever used or referred to, have the
19 following meanings except where the context clearly indicates
20 otherwise:

21 (1) "Board" means the Board of Higher Education created by
22 the Board of Higher Education Act.

23 (2) "Department" means the Illinois Department of Public
24 Health.

25 (3) "Approved institution" means a public community

1 college, private junior college, hospital-based diploma in
2 nursing program, or public or private college or university
3 located in this State that has approval by the Department of
4 Professional Regulation for an associate degree in nursing
5 program, associate degree in applied sciences in nursing
6 program, hospital-based diploma in nursing program,
7 baccalaureate degree in nursing program, graduate degree in
8 nursing program, or certificate in practical nursing program.

9 (4) "Baccalaureate degree in nursing program" means a
10 program offered by an approved institution and leading to a
11 bachelor of science degree in nursing.

12 (5) "Enrollment" means the establishment and maintenance
13 of an individual's status as a student in an approved
14 institution, regardless of the terms used at the institution to
15 describe such status.

16 (6) "Academic year" means the period of time from September
17 1 of one year through August 31 of the next year or as
18 otherwise defined by the academic institution.

19 (7) "Associate degree in nursing program or hospital-based
20 diploma in nursing program" means a program offered by an
21 approved institution and leading to an associate degree in
22 nursing, associate degree in applied sciences in nursing, or
23 hospital-based diploma in nursing.

24 (8) "Graduate degree in nursing program" means a program
25 offered by an approved institution and leading to a master of
26 science degree in nursing or a doctorate of philosophy or

1 doctorate of nursing degree in nursing.

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

4 (10) "Accepted for admission" means a student has completed
5 the requirements for entry into an associate degree in nursing
6 program, associate degree in applied sciences in nursing
7 program, hospital-based diploma in nursing program,
8 baccalaureate degree in nursing program, graduate degree in
9 nursing program, or certificate in practical nursing program at
10 an approved institution, as documented by the institution.

11 (11) "Fees" means those mandatory charges, in addition to
12 tuition, that all enrolled students must pay, including
13 required course or lab fees.

14 (12) "Full-time student" means a student enrolled for at
15 least 12 hours per term or as otherwise determined by the
16 academic institution.

17 (13) "Law" means the Nursing Education Scholarship Law.

18 (14) "Nursing employment obligation" means employment in
19 this State as a registered professional nurse, ~~or~~ licensed
20 practical nurse, or advanced practice nurse in direct patient
21 care ~~or as a nurse educator in the case of a graduate degree in~~
22 ~~nursing program recipient~~ for at least one year for each year
23 of scholarship assistance received through the Nursing
24 Education Scholarship Program.

25 (15) "Part-time student" means a person who is enrolled for
26 at least one-third of the number of hours required per term by

1 a school for its full-time students.

2 (16) "Practical nursing program" means a program offered by
3 an approved institution leading to a certificate in practical
4 nursing.

5 (17) "Registered professional nurse" means a person who is
6 currently licensed as a registered professional nurse by the
7 Department of Professional Regulation under the Nurse Practice
8 Act.

9 (18) "Licensed practical nurse" means a person who is
10 currently licensed as a licensed practical nurse by the
11 Department of Professional Regulation under the Nurse Practice
12 Act.

13 (19) "School term" means an academic term, such as a
14 semester, quarter, trimester, or number of clock hours, as
15 defined by an approved institution.

16 (20) "Student in good standing" means a student maintaining
17 a cumulative grade point average equivalent to at least the
18 academic grade of a "C".

19 (21) "Total and permanent disability" means a physical or
20 mental impairment, disease, or loss of a permanent nature that
21 prevents nursing employment with or without reasonable
22 accommodation. Proof of disability shall be a declaration from
23 the social security administration, Illinois Workers'
24 Compensation Commission, Department of Defense, or an insurer
25 authorized to transact business in Illinois who is providing
26 disability insurance coverage to a contractor.

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

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

11 (24) "Nurse educator employment obligation" means
12 employment in this State as a nurse educator for at least 2
13 years for each year of scholarship assistance received under
14 Section 6.5 of this Law.

15 Rulemaking authority to implement this amendatory Act of
16 the 96th General Assembly, if any, is conditioned on the rules
17 being adopted in accordance with all provisions of the Illinois
18 Administrative Procedure Act and all rules and procedures of
19 the Joint Committee on Administrative Rules; any purported rule
20 not so adopted, for whatever reason, is unauthorized.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)

22 (110 ILCS 975/6.5 new)

23 Sec. 6.5. Nurse educator scholarships.

24 (a) Beginning with the fall term of the 2009-2010 academic
25 year, the Department shall provide scholarships to individuals

1 selected from among those applicants who qualify for
2 consideration by showing the following:

3 (1) that he or she has been a resident of this State
4 for at least one year prior to application and is a citizen
5 or a lawful permanent resident alien of the United States;

6 (2) that he or she is enrolled in or accepted for
7 admission to a graduate degree in nursing program at an
8 approved institution; and

9 (3) that he or she agrees to meet the nurse educator
10 employment obligation.

11 (b) If in any year the number of qualified applicants
12 exceeds the number of scholarships to be awarded under this
13 Section, the Department shall, in consultation with the Center
14 for Nursing Advisory Board, consider the following factors in
15 granting priority in awarding scholarships:

16 (1) Financial need, as shown on a standardized
17 financial needs assessment form used by an approved
18 institution, of students who will pursue their education on
19 a full-time or close to full-time basis and who already
20 have a diploma in nursing and are pursuing a higher degree.

21 (2) A student's status as a registered nurse who is
22 pursuing a graduate degree in nursing to pursue employment
23 in an approved institution that educates licensed
24 practical nurses and that educates registered nurses in
25 undergraduate and graduate nursing programs.

26 (3) A student's merit, as shown through his or her

1 grade point average, class rank, experience as a nurse,
2 including supervisory experience, experience as a nurse in
3 the United States military, and other academic and
4 extracurricular activities.

5 (c) Unless otherwise indicated, scholarships under this
6 Section shall be awarded to recipients at approved institutions
7 for a period of up to 3 years.

8 (d) Within 12 months after graduation from a graduate
9 degree in nursing program for nurse educators, any recipient
10 who accepted a scholarship under this Section shall begin
11 meeting the required nurse educator employment obligation. In
12 order to defer his or her continuous employment obligation, a
13 recipient must request the deferment in writing from the
14 Department. A recipient shall receive a deferment if he or she
15 notifies the Department, within 30 days after enlisting, that
16 he or she is spending up to 4 years in military service. A
17 recipient shall receive a deferment if he or she notifies the
18 Department, within 30 days after enrolling, that he or she is
19 enrolled in an academic program leading to a graduate degree in
20 nursing. The recipient must begin meeting the required nurse
21 educator employment obligation no later than 6 months after the
22 end of the deferment or deferments.

23 Any person who fails to fulfill the nurse educator
24 employment obligation shall pay to the Department an amount
25 equal to the amount of scholarship funds received per year for
26 each unfulfilled year of the nurse educator employment

1 obligation, together with interest at 7% per year on the unpaid
2 balance. Payment must begin within 6 months following the date
3 of the occurrence initiating the repayment. All repayments must
4 be completed within 6 years from the date of the occurrence
5 initiating the repayment. However, this repayment obligation
6 may be deferred and re-evaluated every 6 months when the
7 failure to fulfill the nurse educator employment obligation
8 results from involuntarily leaving the profession due to a
9 decrease in the number of nurses employed in this State or when
10 the failure to fulfill the nurse educator employment obligation
11 results from total and permanent disability. The repayment
12 obligation shall be excused if the failure to fulfill the nurse
13 educator employment obligation results from the death or
14 adjudication as incompetent of the person holding the
15 scholarship. No claim for repayment may be filed against the
16 estate of such a decedent or incompetent.

17 The Department may allow a nurse educator employment
18 obligation fulfillment alternative if the nurse educator
19 scholarship recipient is unsuccessful in finding work as a
20 nurse educator. The Department shall maintain a database of all
21 available nurse educator positions in this State.

22 (e) Each person applying for a scholarship under this
23 Section must be provided with a copy of this Section at the
24 time of application for the benefits of this scholarship.

25 (f) Rulemaking authority to implement this amendatory Act
26 of the 96th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the
2 Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules; any
4 purported rule not so adopted, for whatever reason, is
5 unauthorized.

6 Section 10. The Nurse Practice Act is amended by changing
7 Section 70-50 as follows:

8 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 70-50. Fund.

11 (a) There is hereby created within the State Treasury the
12 Nursing Dedicated and Professional Fund. The monies in the Fund
13 may be used by and at the direction of the Department for the
14 administration and enforcement of this Act, including but not
15 limited to:

16 (1) Distribution and publication of this Act and rules.

17 (2) Employment of secretarial, nursing,
18 administrative, enforcement, and other staff for the
19 administration of this Act.

20 (b) Disposition of fees:

21 (1) \$5 of every licensure fee shall be placed in a fund
22 for assistance to nurses enrolled in a diversionary program
23 as approved by the Department.

24 (2) All of the fees, fines, and penalties collected

1 pursuant to this Act shall be deposited in the Nursing
2 Dedicated and Professional Fund.

3 (3) Each fiscal year, the moneys deposited in the
4 Nursing Dedicated and Professional Fund shall be
5 appropriated to the Department for expenses of the
6 Department and the Board in the administration of this Act.
7 All earnings received from investment of moneys in the
8 Nursing Dedicated and Professional Fund shall be deposited
9 in the Nursing Dedicated and Professional Fund and shall be
10 used for the same purposes as fees deposited in the Fund.

11 (4) For the fiscal year beginning July 1, 2009 ~~2004~~ and
12 for each fiscal year thereafter, \$2,000,000 ~~\$1,200,000~~ of
13 the moneys deposited in the Nursing Dedicated and
14 Professional Fund each year shall be set aside and
15 appropriated to the Department of Public Health for nursing
16 scholarships awarded pursuant to the Nursing Education
17 Scholarship Law. Representatives of the Department and the
18 Nursing Education Scholarship Program Advisory Council
19 shall review this requirement and the scholarship awards
20 every 2 years.

21 (5) Moneys in the Fund may be transferred to the
22 Professions Indirect Cost Fund as authorized under Section
23 2105-300 of the Department of Professional Regulation Law
24 (20 ILCS 2105/2105-300).

25 (c) ~~(f)~~ Moneys set aside for nursing scholarships awarded
26 pursuant to the Nursing Education Scholarship Law as provided

1 in item (4) ~~(iv)~~ of subsection (b) ~~(e)~~ of this Section may not
2 be transferred under Section 8h of the State Finance Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07;
4 revised 10-23-08.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.