

**State of Board of Health
Agenda
December 9, 2011 – 9:00 a.m.
Perimeter Center
9960 Mayland Drive
Richmond, Virginia 23233**

Welcome and Introductions	Bruce Edwards, Chair
Review of Agenda	Joseph Hilbert, Director of Governmental and Regulatory Affairs
Approval of September 2011 Minutes	Mr. Edwards
Commissioner's Report	Karen Remley, MD, MBA, FAAP State Health Commissioner
Breast and Prostate Screening Guidelines – Overview	Maureen Dempsey, MD, FAAP Deputy Commissioner for Public Health
Break	
Lessons Learned from Hurricane Irene	Robert P. Mausekopf, MPA, Col., USMC (ret) Director, Office of Emergency Preparedness
Influenza Update/Flu Dashboard	Diane Woolard, PhD, MPH Director, Division of Surveillance and Investigation
Public Comment	
Lunch	
Luncheon Speaker - Cindi Jones, Executive Director, Virginia Health Reform Initiative Status of the Virginia Health Reform Initiative	
Pending Regulatory Actions Overview	Mr. Hilbert
<u>Regulatory Action Items</u>	
Regulations for Nursing Scholarships 12VAC5-510 (Proposed Amendments)	Michael Royster, MD, Director Office of Minority Health and Health Equity
Proposed Amendments to Bylaws	Mr. Hilbert
Member Reports	
Other Business	
Adjourn	

MEMORANDUM

To: State Board of Health

From: Michael Royster, M.D., MPH
Director, Office of Minority Health and Health Equity

Re: Proposed Amendments to Regulations for the General Assembly Nursing Scholarship (12VAC5-510)

Date: November 18, 2011

Background: The Virginia Department of Health administers the Nursing Scholarship program, which provides annual nursing scholarships for students enrolled part-time and/or full-time in undergraduate and graduate nursing programs. Selected recipients agree to promptly begin and thereafter engage continuously in nursing practice in a region of the Commonwealth with a critical shortage of nurses for a period of time based on the total amount of scholarship awarded. The intent of this program is to address the shortage of trained nursing professionals in the Commonwealth.

A Notice of Intended Regulatory Action (NOIRA) was issued earlier this year in order to begin the process of identifying necessary amendments to the regulations to ensure the effective administration of the program. Regulations for other similar scholarship programs are more comprehensive and include sections governing the administration of the program. A more comprehensive set of regulations for the administration of this program is essential for improving the efficacy of the program. The Nursing Scholarship Program has been in existence for over 20 years. Although the field of nursing has evolved since that time, the regulations have not kept up with these changes. Updates to the regulations are needed to ensure their relevance.

No public comment was received from the NOIRA.

Substance of Amended Regulations: Amendments are being proposed to add a section pertaining to the definitions of terms used in the regulations and to provide more clarity about the residency requirement for eligibility. Sections are also being added to provide administrative guidance regarding the terms of service for the contract, the reporting requirements for scholarship recipients, the conditions that would lead to a breach of contract, the consequences for such a breach, and deferment and waiver provisions. These provisions allow for flexibility within the program in situations where the recipient may want to pursue further nursing education and training and where the recipient encounters hardship, disability, or death.

Amendments are also being proposed to ensure that this program is consistent with how the industry has evolved over time. This includes more realistic expectations pertaining to the length of time required to find employment upon graduation. The recipient of a scholarship currently has 60 days after graduation to report on the status of employment in the state. This time frame is not consistent with the time frame needed to take a licensure exam, receive a license and seek and find employment. The proposed amendment would allow the recipient up to 180 days after graduation before being required to report on the status of employment.

Finally, amendments are being proposed to change the definition of full time employment from 40 hours per week to 32 or more hours per week to be consistent with industry standards.

Upcoming Steps: The Board of Health is being asked at this time to approve and adopt these proposed amendments to the existing regulations. Upon the Board's approval, the proposed amendments will begin the Executive Branch review process.



Virginia
Regulatory
Town Hall

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Proposed Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) citation	12VAC5-510
Regulation title	Guidelines for General Assembly Nursing Scholarships
Action title	Amendments to establish a more comprehensive and up-to-date regulatory framework for administering the nursing scholarship program.
Date this document prepared	November 18, 2011

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

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

Amendments are being proposed to 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*.

The 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. This includes more realistic expectations pertaining to the length of time required to find full time employment upon graduation and changes to the definition of full time employment to be consistent with industry standards.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

N/A

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Section 54.1-3011.2 establishes the Nursing Scholarship and Loan Repayment Fund for the purpose of financing scholarships for part-time and full-time students enrolled in or accepted for enrollment by nursing programs and gives the Board of Health authority to administer and award such funds.

Section 54.1-3011.1 authorizes the collection of up to \$1 in licensure and license renewal fees for every practical nurse and registered nurse to be deposited in a Nursing Scholarship and Loan Repayment Fund.

Section 32.1-122.6.01 authorizes the Board of Health to award scholarships available through the Nursing Scholarship and Loan Repayment Fund.

Sections 23-35.9 through 23-35.13 further define some of the procedures for administering the scholarships including the composition of the Advisory Committee to the State Board of Health, the basis for awards, the requirement for a written contract and contract provisions, provisions for renewal of awards, and definition of how payments should be made.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Virginia Department of Health administers the Nursing Scholarship program, which provides annual nursing scholarships for students enrolled part-time and/or full-time in undergraduate and graduate nursing programs. Selected recipients agree to promptly begin and thereafter engage continuously in nursing practice in the Commonwealth in a region with a critical shortage of nurses for a duration of time based on the total amount of scholarship awarded.

Regulations for other similar scholarship programs are more comprehensive and include sections governing the administration of the program. A more comprehensive set of regulations for the administration of this program is essential for improving the efficacy of the program.

Additionally, the Nursing Scholarship Program has been in existence for over 20 years. Although the field of nursing has evolved since that time, the regulations have not kept up with these changes. Updates to the regulations are needed to ensure their relevance.

The intent of this program is to address the shortage of trained medical professionals in the Commonwealth. The primary advantage to improving the administration of this program would be to increase the availability of adequate, quality medical providers in Virginia.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

Amendments are being proposed to add a section pertaining to the definitions of terms used in the regulations and to provide more clarity about the residency requirement for eligibility. Sections are also being added to provide administrative guidance regarding the terms of service for the contract, the reporting requirements for scholarship recipients, the conditions that would lead to a breach of contract and the consequences for such a breach, and waiver provisions. The waiver provisions allow for flexibility within the program in situations where the recipient and his/her family encounter hardship, disability, or death.

The 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. This includes more realistic expectations pertaining to the length of time required to find full time employment upon graduation. The recipient of a scholarship currently has 60 days after graduation to report on the status of full-time employment in the state. This time frame is not consistent with the time frame needed to take the licensure exam, receive a license and seek and find full time employment. The proposed amendment would allow the recipient up to 180 days after graduation before being required to report on the status of full-time or part-time employment in the state. Finally, amendments are being proposed to change the definition of full time employment from 40 hours per week to 32 or more hours per week to be consistent with industry standards.

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 the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

- 1) The public will have a better understanding of how the scholarship program is administered.
- 2) The agency administering the program will have better direction for administering the program if these amendments are made.
- 3) The recipients of the scholarship and their families will benefit because the regulations will include more clarity pertaining to their obligations and include provisions for waivers in situations of hardship, disability, and death.

There are no known disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

No requirements within this proposal are more restrictive than applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality will be disproportionately affected by the regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Townhall website, www.townhall.virginia.gov, or by mail, email or fax to Keisha Smith, MPA, Health Workforce Manager, Office of Minority Health and Health Equity, P.O. Box 2448, Richmond, VA 23218-2448; (804) 864-74440 or keisha.smith@vdh.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements create the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	The proposed amendments are not expected to have a cost impact to the state.
Projected cost of the new regulations or changes to existing regulations on localities.	The proposed amendments are not expected to have a cost impact to localities.
Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.	Changes to the existing regulations will allow the agency administering the program to have better direction for administering the program. Additionally, the changes will allow the recipients of the scholarship and their families to have the benefit of greater clarity pertaining to their

	obligations and will also include provisions for waivers in situations of hardship, disability, and death.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	The proposed amendments are not expected to have a direct affect on small businesses.
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	The proposed amendments are not expected to have an effect on costs.
Beneficial impact the regulation is designed to produce.	Beneficial impacts include: 1) The public will have a better understanding of how the scholarship program is administered because essential sections will be added to the regulations and thus made available to the public. 2) The agency administering the program will have better direction for administering the program if these amendments are made. 3) The recipients of the scholarship and their families will benefit because the proposed regulations will include more clarity pertaining to their obligations and include provisions for waivers in situations of hardship, disability, and death.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The Virginia Department of Health sees no viable alternative for achieving the purpose of the existing regulation.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The Virginia Department of Health sees no viable alternative for achieving the purpose of the existing regulation. These regulations are not expected to adversely impact health, safety, environmental and economic welfare, or small business.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response

No public comment was received.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation would have a positive, although perhaps indirect, impact on the institution of the family and family stability. Improving the efficacy and efficiency of the administration of this program will ultimately benefit nursing students by helping them with their educational expenses and by helping them save disposable family income. This may lead to increases in potential earnings for the future. Additionally, having a more defined set of guidelines pertaining to this program would give its potential recipients better information to make an informed decision regarding participation in the program. Finally, including waiver provisions in cases of hardship would be beneficial to individuals and their families when they encounter unanticipated hardship situations, such as extended illnesses or disabilities.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact if implemented in each section. Please describe the difference between the requirements of the new provisions and the current practice or if applicable, the requirements of other existing regulations in place.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all provisions of the new regulation or changes to existing regulations between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
12VAC5-510-20	12VAC5-510-30	To be eligible for the program, the applicant must be a “bona fide resident of the State of Virginia for at least one year.”	Clarify the meaning of “bona fide resident” to be consistent with the Code of Virginia. The Code of Virginia defines “bona fide resident” in relationship to eligibility requirements for in-state tuition charges.
12VAC5-510-30	12VAC5-510-40	The recipient must agree to engage in full-time (40 hours per week) nursing practice in the Commonwealth	Change the requirement of 40 hours to 32 or more hours to be consistent with the current industry standards. The Code does not reference the number of hours but simply states that the recipient must agree to promptly begin and thereafter engage continuously in nursing practice in the Commonwealth in a region with a critical shortage of nurses for a duration of time based on the total amount of scholarship awarded.
12VAC5-510-30	12VAC5-510-40	Full time employment must begin within 60 days of the recipient’s graduation date.	Change the requirement for when employment must begin from 60 days from the date of graduation to 180 days from the date of graduation. This allows the recipient up to 90 days to obtain his/her license and up to an additional 90 days to seek and find employment. This change would reflect a much more realistic expectation for a new graduate from a nursing program in today’s market.

For new chapters, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
12VAC5-510-20	This section would define the key terms found throughout the regulation to include the definition for the practice of nursing as applicable to this program.		Defining these terms provides clarification and would help ensure that the program runs smoothly. The definitions will reflect the current industry standards.
12VAC5-	This section would define the terms of service for the	§ 23-35.11	This section not only reiterates language regarding the contract

510-90	scholarship contract. Specific components of the terms of contract include obligations and time frames pertaining to service, education and employment.		found in the Code, but provides greater detail regarding the structure and content of the contract. Better defining the terms of the contract would give its potential recipients better information to make an informed decision regarding participation in the program.
12VAC5-510-100	Establishes reporting requirements that the scholarship recipient will follow to ensure that the recipient is in compliance with program guidance.		The reporting requirements will provide the framework for program administration, ensuring that scholarship recipients are in compliance. Knowing these requirements would give its potential recipients better information to make an informed decision regarding participation in the program.
12VAC5-510-110	Provides information concerning what constitutes a breach of contract and the consequences for a recipient in the event of a breach of contract.		Program recipients and administrators will have a better understanding of what constitutes a breach of contract and the consequences of such a breach. Knowing these requirements would give its potential recipients better information to make an informed decision regarding participation in the program.
12VAC5-510-120	Establishes situations where recipients may be given a waiver of their obligations. Cases include the desire to obtain a graduate degree, hardship, disability, and death. The waiver process allows the program to have some flexibility to reduce the likelihood of adverse impacts of the program on families.		Currently there are no waiver provisions and recipients who encounter hardship and cannot fulfill their obligations automatically go into 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.

DEPARTMENT OF HEALTH

CHAPTER 510: GENERAL ASSEMBLY NURSING SCHOLARSHIPS

~~This chapter has been prepared to familiarize scholarship applicants, Deans/Directors of nursing programs, and Financial Aid Officers with the General Assembly Nursing Scholarship Program. The legislative authority for the scholarships in addition to the actual steps involved in the application process are reviewed.~~

~~Do not hesitate to contact the Office of Public Health Nursing, Virginia State Health Department, 1500 East Main Street, Suite 227, Richmond, VA 23219, with any questions relating to the scholarship program. The phone number at the Bureau office is (804) 371-4090.~~

~~ALL SCHOLARSHIPS ARE AWARDED WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN.~~

12VAC5-510-10. Legislative authority.

Section 32.1-122.6:01 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. Section 54.1-3011.2 establishes the nursing scholarship and loan repayment fund.

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.

~~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 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.

~~The Office of Public Health Nursing of the State Health~~ The Virginia Department of Health serves as the staff element to the Advisory Committee and plays no role in the determination of scholarship recipients.

~~The basis for determining scholarship recipients is established by~~ The 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 scholarships among the various congressional districts within the Commonwealth.

12VAC5-510-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

“Board” or “Board of Health” means the State Board of Health.

“Commissioner” means the State Health Commissioner.

“Continuous” means that there are no breaks in service greater than a period of six (6) weeks.

“Department” means the Virginia Department of Health.

“Full-time” means the equivalent of thirty-two (32) or more hours per week for at least forty-five (45) weeks per year.

Interest” means the legal rate of interest pursuant to the Code of Virginia.

“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.

“Penalty” means the amount of money equal to twice the amount of all monetary payments to the scholarship recipient, less any service obligation completed.

“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.

“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.

“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.

12VAC5-510-230. Eligibility.

In order to be considered for a General Assembly Nursing Scholarship, applicants must meet the following criteria:

1. Be a resident of the State of Virginia for at least one year. eligible for in-state tuition pursuant to § 23-7.4 at the time a scholarship is awarded.
2. Be accepted or enrolled in an school of nursing in the State-Commonwealth 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.~~
3. If already enrolled in a nursing program, the applicant must demonstrate a cumulative grade point average of at least 2.5.
4. Submit a completed application form and appropriate grade transcript to the ~~Office of Public Health Nursing~~ the Department prior to the ~~established~~ published deadline dates.
5. Demonstrate financial need which is verified by the Financial Aid Officer/authorized person.

FAILURE TO COMPLY WITH ALL OF THESE CRITERIA WILL CAUSE THE APPLICANT TO BE INELIGIBLE FOR A SCHOLARSHIP.

12VAC5-510-~~340~~. Conditions of scholarships.

~~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 scholarship recipient agrees to engage in a term of service involving continuous full-time (40 hours per week) nursing practice in a region of the Commonwealth for one month with a critical shortage of nurses. The maximum award amounts and terms of service are determined as per §§ 23-35.9 and 23-35.11 of the Code of Virginia. Therefore, if a student receives \$500 in scholarship awards, they must repay that amount by working continuously for 5 months. Full-time employment must begin within 60 180 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 scholarship awards 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.~~

~~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.~~

~~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.~~

~~All refund checks should be made payable to the Commonwealth of Virginia and mailed to:~~

~~Office of Public Health Nursing~~

~~State Health Department~~

~~1500 East Main Street~~

~~Suite 227~~

~~Richmond, Virginia 23219~~

~~Before any scholarship is awarded, the applicant must sign a written contract agreeing to the terms established by law and the Advisory Committee.~~

~~12VAC5-510-450. Number of applications per student.~~

~~Scholarships are awarded for single academic years. However, the same student may, after demonstrating satisfactory progress in his/her studies, apply for and receive scholarship awards for any succeeding academic years. No student may receive scholarships for more than a total of five four years.~~

~~12VAC5-510-560. Amounts of scholarships.~~

~~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~~ shall receive an award for less than one hundred and fifty dollars. ~~Graduate nursing scholarships may not exceed four thousand dollars annually.~~~~

~~12VAC5-510-670. How to apply.~~

~~Applications and Guidelines are made available to all prospective students online through the Department's website. ~~from the Dean/Director of your school or from the Financial Aid Office.~~~~

~~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.~~

~~12VAC5-510-780. Deadline dates.~~

~~Applications will not be accepted by the Department in the Office of Public Health Nursing more than 6 months in advance of the following deadline dates: outside of the application cycle.~~

~~March 15— for students already enrolled in schools of nursing.~~

~~June 15— for new students entering nursing programs.~~

~~APPLICATIONS AND/OR TRANSCRIPTS RECEIVED AFTER 5:00 PM OF THE ABOVE DATES THE PUBLISHED DEADLINE DATE AND TIME FOR THE APPLICATION CYCLE WILL NOT BE CONSIDERED FOR SCHOLARSHIP AWARDS.~~

12VAC5-510-90.Scholarship contract

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:

1. Agreement with the total amount of the award and the award period.
2. Agreement to pursue an LPN or RN degree in nursing at a school of nursing in the Commonwealth of Virginia which is approved by the State Board of Nursing.
3. Agreement to begin continuous full-time employment within 180 days of the recipient's graduation
4. Agreement to comply with all reporting requirements.
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 a breach of contract.

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.

12VAC5-510-100.Reporting Requirements

Monitoring of the service obligation of recipients shall be conducted on an on-going basis by the Department.

The recipient shall permit the nursing school to provide information regarding enrollment status and progress in the program.

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.

The recipient shall submit to the Department verification of employment documentation every 4 months until the contract obligation has been completely fulfilled.

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.

The recipient shall notify the Department in writing within thirty (30) days of any of the following events:

1. Recipient changes name
2. Recipient changes address
3. Recipient changes nursing program
4. Recipient changes practice site
5. Recipient no longer intends to fulfill service obligation as a nurse in the Commonwealth

6. Recipient ceases to practice as an RN or LPN.

12VAC5-510-110. Breach of Contract

The following are the conditions that constitute a breach of contract:

1. The recipient fails to complete his/her nursing studies.
2. The recipient fails to begin or complete the term of obligated service within the time frames as specified in the Scholarship contract.
3. The recipient falsifies or misrepresents information on the program application, verification of employment forms and/or other required documents.

In the event of a breach of contract where the recipient fails to complete their nursing studies, the recipient shall reimburse the Commonwealth of Virginia for the total amount of the scholarship award, plus interest.

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.

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.

12VAC5-510-120. Deferments and Waivers

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 nursing related field. This deferment, if granted, shall not relieve the recipient of the responsibility to complete the remaining portion of the obligation upon completion of the advanced nursing degree.

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.

Other individual situations involving severe hardship may be considered by the Board for deferment of the service obligation and/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.

All requests for deferments and/or waivers must be submitted in writing to the Department for consideration and final disposition by the Advisory Committee or the Board.

STATE BOARD OF HEALTH BYLAWS

ARTICLE I. APPLICABILITY

Section 1. General.

The provisions of these Bylaws are applicable to all proceedings of the State Board of Health ("Board") to the extent that the same are not otherwise governed by the requirements set forth in the Code of Virginia or by Executive Order. Whenever the provisions and authorizations of these Bylaws are in conflict with the provisions and authorizations mandated by the Code of Virginia or by Executive Order, the latter shall control.

Section 2. Authority and Limitations.

The Board is constituted under Va. Code §§ 32.1-5 and 2.2-2100 ~~9-6-25:2~~ as a "Policy Board." As a "Policy" board pursuant to Va. Code § 2.2-2100 ~~9-6-25~~, the Board is specifically charged with the duties and responsibilities set forth in the Basic Law governing the actions of the Board, as generally established in Title 32.1, as well as in such other Titles of the Code of Virginia as authorizations and duties may arise, to promulgate public policies or regulations and, consistent with the basic law, specifically to set rates, distribute federal funds, and adjudicate regulatory or statutory law including, but not linked to, the Virginia Administrative Process Act, the Public Procurement Act, the Personnel Act, the State and Local Government Conflicts of Interest Act, the Freedom of Information Act, the Privacy Protection Act, the basic law, and such other enactments or amendments as the General Assembly may, from time to time, provide.

ARTICLE II. MEETINGS

Section 1. Regular Meetings.

Regular meetings of the Board shall be held at least on a quarterly basis at such time and place as the Board may determine, provided, however, that at least one meeting shall be held in the City of Richmond. No business requiring a vote or final decision of the Board may be conducted in the absence of a quorum, as defined under Va. Code § 32.1-8.

Section 2. Annual Meetings.

The regular meetings held in the second quarter of the calendar year shall be designated as an annual meeting. Elections shall be held at the Annual Meeting.

Section 3. Committee Meetings.

The Executive Committee, the establishment and constitution of which are hereinafter set forth, and such other Committees as the Board or Chair may designate, pursuant to Article IV, Section 2 of these Bylaws, may convene from time to time as such times may be established by the appropriate committee; provided, however, that all such meetings are open to the public and must comply with the notice requirements set forth in Va. Code § ~~2.2-3707~~ ~~2-1-343~~ of the Virginia Freedom of Information Act, Va. Code § 2.2-3700 ~~et seq. 2-1-340 to 2-1-346.1.~~

Section 4. Special Meetings.

The Chair or any three members of the Board may call a special meeting for specific purpose or purposes. No business shall be transacted at such special meeting except that expressly sent out in the notice of the special meeting.

Section 5. Notice of Meeting.

In all cases, public notice of meetings shall be provided at a time and in a manner consistent with the requirements of the then current Freedom of Information Act, Va. Code § 2-2-3700 ~~et seq. § 2-1-343.~~

Section 6. Quorum.

A quorum for all purposes shall be that established by Va. Code § 32.1-8, as the same may be amended from time to time.

Section 7. Conduct of Meetings.

The Chair shall preside over all meetings of the Board, except that, in the absence or disability of the Chair, the Vice Chair shall preside. The State Health Commissioner ("Commissioner"), the executive officer of the Board pursuant to Va. Code § 32.1-18, shall serve as Secretary or, with the approval of the Board, shall name his designee to serve as Secretary, as specified by Va. Code § 32.1-9. The Secretary or Secretary-designees shall provide staff support, record all

minutes of the meetings, and record in a minute book all resolutions adopted and all transactions occurring at the meeting. The then current edition of Robert's Rules of Order shall govern the conduct of all meetings of the Board when not in conflict with statutory requirements set forth in the Code of Virginia, Executive Orders, or established policies of the Department of Health. Pursuant to Va. Code § ~~2.2-3710~~ ~~2.1-343~~, no written or secret ballots shall be taken in an open meeting, but all voting shall be accomplished by voice vote, show of hands, or roll-call vote.

ARTICLE III. OFFICERS

Section 1. Number and Title.

The officers of this Board shall be as follows:

1. Chair
2. Vice Chair
3. Secretary, who shall be the Commissioner or, with the approval of the Board, his designee, as prescribed by Va. Code § 32.1-9

Section 2. Duties.

The duties of the officers shall be those usually incident to the respective office and such other special duties as may, from time to time, be specified by the Board. Officers shall be elected annually and shall assume their duties at the close of the meeting at which they are elected.

Section 3. Vacancies.

Vacancies in the position of Chair or Vice Chair shall be filled for the remainder of the term by voice vote, show of hands, or roll-call vote of the Board at its next full meeting following the departure or resignation of the former incumbent.

ARTICLE IV. COMMITTEES

Section 1. Executive Committee.

The Executive Committee of the Board shall be composed of the Chair, the Vice Chair, and two non-officer members of the Board, who shall be elected by the Board. The Chair of the Board shall also serve as Chair of the Executive Committee. The Executive Committee shall undertake

all such responsibilities as are required or requested by the Board, and, to the extent the Board may officially delegate certain duties to the Executive Committee, all such delegated duties when the full Board is not in session. All actions taken on delegated duties shall be described in full report to the next successive full Board meeting for review, approval or disapproval, or ratification by the Board, as appropriate.

Section 2. Other Committees.

The Board or Chair, as its discretion, may appoint such other committees of its members as it may deem advisable and may designate the responsibilities of any such committees.

Section 3. Vacancies.

Vacancies arising on the Executive Committee or any other committee established by the Board may be filled for the unexpired term by the Board at its next full meeting.

ARTICLE V. ELECTIONS

Section 1. Nominations.

Nominations for Chair, Vice Chair, and two Executive Committee members may be made by a nominating committee appointed by the Chair or the Board for that purpose. Additional nominations may be received by voice from the floor.

Section 2. Voting.

Elections of officers and Executive Committee members must be conducted in open session of at least a quorum of the Board by voice vote, show of hands, or roll-call vote, as required by Va. Code § 2.2-3710 ~~2.1-343~~. Election to office or Executive Committee membership shall be determined by a simple majority of those present and ~~eligible to vote~~ voting.

ARTICLE VI. AMENDMENTS

The Bylaws of the Board may be amended at any regular meeting of the Board at which at least a quorum is present by an affirmative vote of two-thirds of the Board membership present and ~~eligible to vote~~ voting, provided that the amendment has been submitted in writing at the previous regular meeting.