



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

### 1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.		

**2. Legislative Enactment** For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

☐ No. ☐ Yes. Please provide the Enrolled Act Numbers and Years Enacted:

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

*Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
		<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

#### **4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled. ☐ No. ☐ Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

☐ By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

☐ To the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### **5. Federal Law Requirements**

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. ☐ No. ☐ Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:	
Indicate one (1):	
<input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements.	
<input type="checkbox"/> The proposed rules exceed minimum federal requirements.	
Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:	
<input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above.	
<input type="checkbox"/> At the following URL: _____	

#### **6. State Statutory Requirements**

a. Indicate one (1):

☐ The proposed rule change *MEETS* minimum substantive statutory requirements.

☐ The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

☐ The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

☐ By contacting the Agency at the physical and/or email address listed in Section 1 above.

☐ At the following URL: \_\_\_\_\_

☐ Not Applicable.

## **7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

☐ These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

☐ The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_  
(Provide chapter numbers)

☐ These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_  
(Provide chapter numbers)

b. Checklist

☐ The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

☐ If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

## **8. Authorization**

a. I certify that the foregoing information is correct.

*Printed Name of Authorized Individual*

*Title of Authorized Individual*

*Date of Authorization*

**STATEMENT OF PRINCIPAL REASONS**  
**FOR FORMAL ADOPTION OF REGULAR RULES**

The Wyoming Community College Commission is proposing to repeal Chapter 1, Wyoming Investment in Nursing Program (WYIN Program) that is currently listed under the Wyoming Board of Nursing's rules. The rules were adopted in 2004 by the Wyoming Higher Education Assistance Authority and filed in the Wyoming Board of Nursing's rules. In 2005, the Legislature amended Wyoming Statute § 9-2-123 to transfer authority for the WYIN from the Higher Education Assistance Authority to the Wyoming Community College Commission. The Community College Commission currently has rules to administer the WYIN Program. Although the WYIN Program rules are listed under the Board of Nursing on the Secretary of State's website, the Board of Nursing does not have authority to repeal these rules — only the Community College Commission has that authority. Repealing these rules will not have an effect on the WYIN Program and is necessary to remove the obsolete rules from the Board of Nursing.

**Rules and Regulations  
Higher Education Assistance Authority  
Chapter 1**

**Wyoming Investment in Nursing Program (WYIN Program)**

**Repealed**

~~Section 1. — Authority.~~

~~This Chapter is promulgated under authority of WYO. STAT. § 21-16-705(a)(iv) and WYO. STAT. § 9-2-123.~~

~~Section 2. — Purpose.~~

~~The purpose of the Wyoming Investment in Nursing Program (WYIN Program) is to make funds available to individuals who wish to pursue a career in nursing and to alleviate a shortage of nurses within the state.~~

~~Section 3. — Definitions.~~

~~(a) — “ADRN” means Registered Nurse with an Associate’s (2-year) Degree.~~

~~(b) — “Approved higher education institution” means one of the seven Wyoming community colleges, the University of Wyoming, an institution included in the Western Interstate Commission for Higher Education, or a distance nursing education program at a university that is regionally accredited.~~

~~(c) — “Authority” means the Higher Education Assistance Authority.~~

~~(d) — “Board of Directors” or “Board” mean the members of the Authority.~~

~~(e) — “Board of Nursing” means the Wyoming agency which examines, licenses, renews, relicenses, and reactivates the licenses of duly qualified individuals to practice nursing within the state of Wyoming.~~

~~(f) — “BSN” means Baccalaureate of Science in Nursing.~~

~~(g) — “Community college” means any of the seven 2-year institutions of higher education in Wyoming recognized by the Wyoming Community College Commission.~~

~~(h) — “Cost of Attendance” means tuition and fees; on-campus room and board or a housing and food allowance for off-campus students; allowances for books, supplies, transportation, loan fees, and, if applicable, dependant care; and costs related to disability.~~

~~(i) — “Distance learning” means an educational program delivered primarily through means~~

~~other than on-site instruction.~~

~~(j) — “FAFSA” means Free Application for Federal Student Aid.~~

~~—— (k) — “Federal financial assistance” means grants from the United States Department of Education or other federal agencies.~~

~~—— (l) — “Financial aid officer” means a financial aid officer of the University of Wyoming or of the seven designated colleges.~~

~~(m) — “Financial institution” means any banking corporation or institution engaged primarily in lending or investing funds and authorized to do business in the state.~~

~~(n) — “Licensure examination” means the test required before the Wyoming Board of Nursing grants an individual a license to practice nursing.~~

~~(o) — “LPN” means Licensed Practical Nurse.~~

~~(p) — “Nurse aide” means an individual to whom a licensed nurse may delegate nursing or nursing-related activities or who assists licensed nursing personnel in the provision of nursing care, and who is not otherwise licensed as a health care professional.~~

~~(q) — “Nursing program” means a series of courses leading to an LPN certificate or an ADN degree provided through a Wyoming community college; or a BSN degree or a Master’s degree provided through the University of Wyoming; or, in the case of a candidate for a doctoral degree, provided through an institution offering the required nursing education courses under contract with the WICHE, or in a distance nursing education program provided through a university that is regionally accredited.~~

~~(r) — “Qualified work” means employment in Wyoming as an LPN or RN who practices nursing or a nurse educator who teaches at a nurse education program at a Wyoming community college or the University of Wyoming.~~

~~(s) — “RN” means Registered Nurse.~~

~~(t) — “Total and permanent disability” means the inability to work and earn money because of an injury or illness that is expected to continue indefinitely or to result in death.~~

~~(u) — “Unencumbered license” means a permit to practice nursing without restrictions imposed by the Wyoming Board of Nursing.~~

~~(v) — “Unmet need” means the total amount of financial need as determined by the FAFSA process as administered by the school minus the following:~~

~~(i) — Any Pell or other federal grant;~~

~~(ii) — Any employer-based financial assistance received by the applicant; and~~

~~(iii) — Any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

~~(w) — “WICHE” means Western Interstate Commission for Higher Education.~~

#### ~~Section 4. — Organization of the Authority~~

~~(a) — The Board of Directors of the Authority shall consist of nine (9) directors, including the governor or his designee, the state treasurer or her designee, and seven (7) directors appointed by the governor with the advice and consent of the senate, not more than four (4) of whom shall be of the same political party.~~

~~(b) — The Board shall select one of its members to serve as chairman and one of its members to serve as treasurer.~~

~~(c) — The Board shall determine the date, time, and place, of its regular meetings. Notice shall be given 10 days prior to its meeting in a newspaper of statewide circulation.~~

~~(d) — A majority of the Board constitutes a quorum; all decisions must be decided by a majority vote of the members of the Board.~~

~~(e) — If two-thirds (2/3) of the members determine an emergency exists, the Board may take action by conference telephone.~~

#### ~~Section 5. — Eligibility~~

~~(a) — Applicants must be residents of the state of Wyoming or graduates of a Wyoming high school.~~

~~(b) — Applicants must be enrolled in a nursing program in a Wyoming community college, the University of Wyoming, or in a doctoral degree program in an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited.~~

~~(c) — Applicants must apply for federal financial assistance and any employer-based financial assistance for which the applicant may be eligible.~~

~~(d) — Any person beginning a nursing education program shall continue to receive funding for the program so long as the person remains eligible as required by rules and statutes. Funding for an undergraduate nursing program at a Wyoming college or the University of Wyoming will be for a maximum of two years.~~

#### ~~Section 6. — Criteria for Application~~

~~(a) — Subject to the availability of funds appropriated, loans may be awarded to the following applicants:~~

~~(i) — An applicant who is accepted into a Wyoming licensed practical nurse or registered nurse education program or a baccalaureate degree program in nursing may be eligible for a loan to pay the unmet need, as determined by the Board or its designee, of attendance at the 1-3 licensed practical nursing education program or the registered nursing education program leading to an associate's or baccalaureate degree;~~

~~(ii) — A registered nurse with a baccalaureate degree who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a baccalaureate degree and is accepted into a nursing education program at the University of Wyoming leading to a master's degree in nursing or nursing education may be eligible for a loan to pay the unmet need of attendance, as determined by the Board or its designee, provided that in order to receive a loan for a master's degree program, the applicant shall agree to repay the loan by teaching at a Wyoming college or the University of Wyoming; or~~

~~(iii) — A registered nurse with a master's degree in nursing who holds an unencumbered license with the Wyoming board of nursing, has the equivalent of at least one (1) year of full-time service teaching in a nursing education program in Wyoming as a registered nurse with a master's degree in nursing and is accepted into a nursing education program at an institution providing the required nursing education courses under contract with the WICHE or in a distance nursing education program at a university that is regionally accredited leading to a doctorate level degree in nursing may be eligible for a loan to pay the unmet need of attendance, as determined by the Board or its designee, provided that in order to receive a loan for a doctorate level degree program, the applicant shall agree to repay the loan by teaching at the University of Wyoming.~~

#### ~~Section 7. — Application Form~~

~~(a) — To be eligible to participate in this program a nurse or a student in an eligible nursing program shall submit an application to the Board or its designee upon a form approved by the Board.~~

~~(b) — The application deadlines shall be determined by each participating educational institution.~~

#### ~~Section 8. — Selection Process~~

~~(a) — The Board shall designate the financial aid officers to administer this program subject to the following:~~

~~(i) — The financial aid officer shall require each applicant to apply to an approved higher education institution, review each application, and determine whether the applicant is eligible under these rules;~~



~~(ii) — The financial aid officer shall authorize loans from appropriated funds in an amount sufficient to avoid over commitment and to ensure sufficient funds remain available to allow students to complete the program in which they enrolled;~~

~~(iii) — The funds appropriated by the legislature will be allocated by the Board to the University of Wyoming and Wyoming's colleges for undergraduate and graduate nursing students.~~

~~(iv) — Faculty members at both the University of Wyoming and Wyoming's colleges are eligible for funding for doctoral level degrees.~~

~~(v) — The financial aid officers shall report to the Board and the financial institution responsible for servicing the loans the names of all students enrolled in the WYIN program in their respective schools, including students enrolled in WICHE schools or distance learning programs, within 30 days of initial enrollment. Thereafter, the financial aid officers shall report to the Board and the financial institution on a semester basis regarding participants in the program.~~

#### ~~Section 9. — Limits on Loan Amounts~~

~~(a) — A loan provided under this section shall not exceed the cost of attendance for the approved program reduced by the amount of any Pell or other federal grant, any employer based financial assistance received by the applicant, and any other public or private financial aid that is provided to the applicant as a scholarship or grant.~~

~~(b) — When determining the amount of a loan for which an applicant may be eligible the unmet need of the applicant shall be considered.~~

#### ~~Section 10. — Interest~~

~~(a) — The Board shall annually determine an acceptable interest rate on the new loans it issues. This determination shall be made by June 1st of every calendar year.~~

~~(b) — The interest rate shall be the average prime interest rate plus four percent (4%) computed by the Board's financial institution in the same manner as specified under W.S. 39-16-108(b) for determining the interest rate on delinquent use taxes.~~

~~(c) — Accrual of interest shall begin upon scheduled commencement of cash repayment.~~

#### ~~Section 11. — Loan Terms~~

~~(a) — Loan origination fees shall be established by the Board.~~

~~(b) — The student shall sign a promissory note as approved by the Board prior to disbursement to the student of any funds.~~

~~(c) — The Board or the contracted financial institution may disclose any delinquency or default on the Student's loan to credit bureaus.~~

~~(d) — If the student fails to make a scheduled repayment, or fails to comply with any other term of the note, the Board or the contracted financial institution may refer the student's loan to a collection agent; initiate legal proceedings against the student; withhold from the student school services, such as transcripts and letters of recommendation; and pursue judicial remedies.~~

~~(e) — If the student fails to make a scheduled repayment or fails to comply with any other term of the promissory note, the entire unpaid balance of the loan, including interest due and accrued and any applicable penalty charges and collection fees, will, at the option of the Board, become immediately due and payable.~~

~~(f) — The student may prepay all or any part of the principal and accrued interest of the loan at any time without penalty.~~

~~(g) — The student will promptly inform the Board or the contracted financial institution of any change in name or address.~~

~~(h) — Upon completion of the academic program, the student must provide every two months, until all the following requirements are reported to the contracted financial institution:~~

~~(i) — Date of appropriate certification or licensure examination; and~~

~~(ii) — Successful passing score and certification or licensure and employment~~

~~(iii) — Unsuccessful passing score and date of next examination; and~~

~~(iv) — Outcome of second examination and, if successful, employment.~~

## ~~Section 12. — Terms of Repayment~~

~~(a) — Repayment of loans shall continue as specified under the loan agreement, until all loan obligations have been satisfied.~~

~~(b) — A student may repay the loan without cash payment by working in Wyoming as a nurse, if the loan was for an undergraduate degree, or nurse educator, if the loan was for a graduate degree, as provided in subsection (c) of this section. To qualify as repayment under this subsection, work shall be performed within the following time periods which begin with the calendar month following the month in which the student completed the academic program:~~

~~(i) — If the loan can be repaid with work of two (2) years or less, within three (3) years;~~

~~(ii) — If the loan can be repaid with work of greater than two (2) years, but no more than four (4) years, within five (5) years;~~

~~(iii) — If the loan can be repaid with work of greater than four (4) years, within~~

~~the amount of time the loan could be repaid, plus two (2) years.~~

~~(c) — Qualified work under subsection (b) of this section shall be credited so that the student's loan balance is reduced on the basis of one (1) year of full-time employment repaying the loan balance for one (1) academic year of full-time enrollment, or twelve thousand dollars (\$12,000.00) of the loan, whichever is less. Qualified work shall be credited on a proportional basis.~~

~~(d) — Qualified work under subsection (b) of this section shall be verified by the Board's designated financial institution by having received letter from the student's employer stating the person is currently or has been employed as a nurse or nurse educator. This letter must be submitted annually.~~

~~(e) — Any student in a WYIN Program loan who fails:~~

~~(i) — To complete the academic program for which the loan was provided shall commence cash repayment of the loan no later than forty five (45) days after the student leaves the academic program;~~

~~(ii) — To obtain employment in the targeted occupation for which the person received the education within ninety (90) days after successfully passing the appropriate certification or licensure examination shall commence cash repayment of the loan within one hundred twenty (120) days after successfully passing the appropriate certification or licensure examination;~~

~~(iii) — To pass the appropriate certification or licensure examination on the first attempt may retake the examination at the next available opportunity before commencing repayment of the loan. The student shall notify the Board or its designated financial institution of the intent to retake the examination and the date the examination will be taken. Any student in the WYIN Program loan who fails the examination after the second attempt shall commence cash repayment of the loan within forty five (45) days after receipt of notification of the second failure by the board of nursing. If the student in the WYIN Program loan who fails the examination on the first attempt does not retake the examination at the next available opportunity, cash repayment shall commence within forty five (45) days after the next available examination is conducted.~~

~~(f) — Cash repayment of loans and interest thereon shall be credited to the general fund.~~

~~Section 13. — Process for Cash Repayment. The process and schedule for cash repayment under Section 12 (f) shall be administered by the Board through its designated financial institution. — Students shall be notified by the Board through its designated financial institution of the approved payment plan.~~

~~Section 14. — Default of a Loan.~~

~~(a) — A loan shall be in default when an installment is due and not paid in full within 90 days after the time period provided by these rules.~~

~~(b) — The process for collection of a loan in default shall be determined by the Board through its designated financial institution.~~

~~(c) — The student in default shall pay any charges related to offsetting the note or any charges incurred should the note(s) be referred to an outside collection agency and any other collection charges, including attorney's fees allowed by state law.~~

~~(d) — Loan repayment options under this section may be deferred for:~~

~~(i) — A period not to exceed four (4) years while the student is serving on full-time active duty with any branch of the military services of the United States.~~

~~(ii) — The length of a graduate program that qualifies under the WYIN program and begins while the student is still paying by cash or employment.~~

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~~(e) — Students may be relieved from having to repay loans and interest thereon, in whole or in part, when the requirement to repay would cause undue hardship. The financial institution responsible for servicing the loans will use its best judgment in applying the economic hardship deferment criteria used for the Federal Family Education Loan Program. The Board reserves the right to consider any request due to undue hardship.~~

~~(f) — Complete cancellation of a student's debt will be granted only in limited circumstances. These circumstances may include:~~

~~(i) — A student's total and permanent disability, as determined by a medical or osteopathic physician, or death.~~

~~(A) — A student who is determined to be totally and permanently disabled will have his/her loan placed in a conditional discharge period for three (3) years from the date the student became totally and permanently disabled.~~

~~(B) — During this conditional period, the student need not pay principal or interest. If the student continues to meet the total and permanent disability conditions during, and at the end of, the three year conditional period, the student's obligation to repay the loan is canceled, upon approval by the Board.~~

~~(ii) — If the student does not continue to meet the cancellation requirements, the student must resume payment.~~

#### ~~Section 15. — Review and Reporting~~

~~(a) — The Board shall annually review the loan program and report to the governor and the legislature in accordance with WYO. STAT. § 9-2-1014 regarding program results, funds received, and loans issued during the preceding academic year, together with the status of all outstanding loan commitments and repayments under the program.~~

~~(b) — Any designated financial institution the Board employs shall prepare a report once a~~

~~year outlining the services it is providing and the progress made.~~

~~Section 16. — Expiration~~

~~This program shall expire on June 30, 2011.~~

**Rules and Regulations**  
**Higher Education Assistance Authority**  
**Chapter 1**

**Wyoming Investment in Nursing Program (WYIN Program)**

**Repealed**