

IN THE SENATE

SENATE BILL NO. 1287

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE RURAL NURSING LOAN REPAYMENT PROGRAM; AMENDING TITLE 39,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 39, IDAHO CODE,
3 TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING A RURAL NURSING LOAN
4 REPAYMENT FUND, TO ESTABLISH PROVISIONS REGARDING A REVIEW BOARD, TO
5 ESTABLISH PROVISIONS REGARDING GRANT AWARDS, TO PROVIDE ELIGIBILITY
6 CRITERIA FOR GRANTS, TO ESTABLISH PROVISIONS REGARDING GRANT APPLICA-
7 TIONS, TO PROVIDE A GRANT AWARD SCHEDULE, TO PROVIDE AWARD CRITERIA,
8 TO ESTABLISH PROVISIONS REGARDING FRAUDULENT INFORMATION ON A GRANT
9 APPLICATION, TO PROVIDE AUTHORITY TO THE STATE DEPARTMENT OF HEALTH AND
10 WELFARE, AND TO PROVIDE FOR ADMINISTRATIVE APPEALS; AND DECLARING AN
11 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
16 ter 97, Title 39, Idaho Code, and to read as follows:

17 CHAPTER 97

18 RURAL NURSING LOAN REPAYMENT PROGRAM

19 39-9701. DEFINITIONS. As used in this chapter:

20 (1) "Applicant" means an entity submitting documents required by the
21 state department of health and welfare for the purpose of requesting a grant
22 from the rural nursing loan repayment program.

23 (2) "Application period" means the time period from October 1 to Novem-
24 ber 30 of the state fiscal year for which funding is requested.

25 (3) "Approval" means written notification that the application will be
26 awarded funding through the rural nursing loan repayment program.

27 (4) "Board" means the rural nursing loan repayment grant review board.

28 (5) "Eligible employer" means:

29 (a) Critical access hospitals, federally qualified health centers,
30 rural health clinics, long-term care facilities, public health dis-
31 tricts, state hospitals, licensed home health agencies, licensed
32 hospice agencies, rural health care clinics, tribal clinics, or Indian
33 health service clinics; or

34 (b) Any other employer located in a rural area that employs nurses for
35 purposes of providing nursing services to patients, as determined by
36 the board.

37 (6) "Department" means the state department of health and welfare.

38 (7) "Director" means the director of the department.

39 (8) "Grant period" means the time immediately following the applica-
40 tion period from December 1 through June 30 for which funding is granted.

1 (9) "Nurse" means a licensed practical nurse or a registered nurse pur-
2 suant to chapter 14, title 54, Idaho Code.

3 (10) "Eligible area" means:

4 (a) A rural area also designated by the United States secretary of
5 health and human services as a health professional shortage area; or

6 (b) All certified Idaho critical access hospitals.

7 (11) "Qualified nursing education debt" means a debt with a financial
8 aid program or financial institution incurred to meet the educational costs
9 of attending an accredited nursing school.

10 (12) "Rural nursing loan repayment grant" or "grant" means a grant
11 awarded pursuant to this chapter.

12 (13) "Rural nursing loan repayment program" or "program" means the ru-
13 ral nursing loan repayment program established by this chapter.

14 (14) "Rural nurse" means a licensed nurse who spends a minimum of twenty
15 (20) hours per week, on average, providing nursing care to patients in an el-
16 igible area.

17 (15) "Rural nursing loan repayment fund" or "fund" means the fund in the
18 state treasury established in section 39-9702, Idaho Code.

19 39-9702. RURAL NURSING LOAN REPAYMENT FUND. There is hereby estab-
20 lished in the state treasury a rural nursing loan repayment fund to be
21 administered by the state department of health and welfare. Moneys in the
22 fund shall:

23 (1) Be continuously appropriated to pay for:

24 (a) The educational debts of nurses in rural and underserved areas of
25 the state that demonstrate a need for assistance in nurse recruitment
26 and retention; and

27 (b) The expenses of administering the rural nursing loan repayment pro-
28 gram, which expenses shall not exceed ten percent (10%) of the annual
29 appropriation by the legislature; and

30 (2) Consist of:

31 (a) Legislative appropriations; and

32 (b) Interest earned on idle moneys in the fund.

33 39-9703. REVIEW BOARD. (1) The director shall appoint the members of
34 a board to be known as the rural nursing loan repayment grant review board.
35 Members of the board:

36 (a) Shall serve at the pleasure of the director; and

37 (b) Shall not be compensated but shall be reimbursed for travel ex-
38 penses incurred for attendance at board meetings.

39 (2) The board shall meet at least annually for the purposes described in
40 this chapter.

41 (3) The board shall be composed of the following:

42 (a) A representative from the American nurses association-Idaho;

43 (b) A representative of the nurse leaders of Idaho;

44 (c) A rural hospital administrator;

45 (d) A rural hospital chief nursing officer;

46 (e) A faculty member from one (1) of the Idaho accredited registered
47 nursing programs;

- 1 (f) A faculty member from one (1) Idaho licensed practical nurse pro-
 2 gram;
- 3 (g) An Idaho hospital association representative;
- 4 (h) An Idaho health care association representative;
- 5 (i) An Idaho long-term care or assisted living representative;
- 6 (j) A federally qualified health center or rural health clinic repre-
 7 sentative; and
- 8 (k) A rural long-term care chief nursing officer or administrator.
- 9 (4) Appointments to the board shall be for three (3) years, except for
 10 initial appointments to the board, which shall be staggered in such a manner
 11 that approximately one-third (1/3) of the board members are appointed for
 12 one (1) year, one-third (1/3) of the board members are appointed for two (2)
 13 years, and one-third (1/3) of the board members are appointed for three (3)
 14 years. Board members may be reappointed at the end of their terms.
- 15 (5) A majority of the board members constitutes a quorum for the trans-
 16 action of business. A majority vote is required by the quorum in finalizing
 17 decisions.

18 39-9704. SCOPE OF RURAL NURSING LOAN REPAYMENT GRANT SUPPORT. (1) The
 19 board may award grants in accordance with the procedures and criteria in this
 20 chapter to nurses for qualified education debt repayments and for nursing
 21 loan repayments.

- 22 (2) Rural nursing loan repayment grant awards.
- 23 (a) A nurse selected to receive a rural nursing loan repayment grant
 24 award shall be entitled to receive qualified nursing education debt re-
 25 payments for a period not to exceed three (3) years in such amount as is
 26 determined annually.
- 27 (b) Award amounts shall be determined annually by the department based
 28 on recommendations from the board. Factors in the determination shall
 29 include:
- 30 (i) Availability of funding;
- 31 (ii) The number of new applicants; and
- 32 (iii) The number of hours an award recipient will devote to provid-
 33 ing nursing care in an eligible area.
- 34 (c) The award shall not exceed the qualified nursing education debt in-
 35 curred by the recipient, and the maximum amount of educational debt re-
 36 payments that a rural nurse may receive shall be seventy-five thousand
 37 dollars (\$75,000) over a three (3) year period.
- 38 (d) All nursing grant awards shall be paid directly from the rural nurs-
 39 ing loan repayment fund to the nurse receiving the award.
- 40 (e) In determining the awards to be made in any given year, the board
 41 and the department shall consider the value of retaining an appropriate
 42 balance in the fund for use in future years.
- 43 (f) An award payment to a recipient in a single year is not guaranteed or
 44 assured in subsequent years and may be increased or reduced.
- 45 (g) Any unused grant funds shall be returned to the rural nursing loan
 46 repayment fund by the applicant no later than February 28 of the grant
 47 period.
- 48 (3) Grant awards are limited to qualified education debt repayments and
 49 nursing loan repayments for nurses providing nursing care in eligible areas.

1 39-9705. ELIGIBILITY FOR GRANTS. (1) A nurse who meets the following
2 requirements is eligible to apply for a rural nursing loan repayment grant
3 award:

4 (a) During the period covered by the award, the nurse must be a rural
5 nurse providing nursing care in an eligible area. A nurse may provide
6 patient care services in nursing care in more than one (1) eligible
7 area;

8 (b) The nurse must be licensed as a licensed practical nurse or a regis-
9 tered nurse and must have completed an accredited nursing program; and

10 (c) The nurse must be eligible for an unrestricted Idaho nursing li-
11 cense and must be able to meet the nursing requirements of the eligible
12 employer.

13 (2) Advanced practice registered nurses are not eligible for this pro-
14 gram.

15 39-9706. RURAL NURSING LOAN REPAYMENT GRANT APPLICATIONS RE-
16 QUIRED. (1) A completed grant application must be submitted by the applicant
17 to the board for the purpose of requesting a grant on or before the conclusion
18 of the application period specified for the appropriate grant cycle. All
19 applications must include the required information.

20 (2) The grant application and any attachments submitted by the appli-
21 cant shall be the primary source of information for awarding a grant. Addi-
22 tionally, the board may request or use other information known to it in mak-
23 ing its decision.

24 (3) All grant applications shall:

25 (a) Be on a form prescribed by the board; and

26 (b) Include a letter of support along with supporting documentation.

27 39-9707. RURAL NURSING LOAN REPAYMENT GRANT AWARD SCHEDULE. (1) The
28 board shall conduct the grant process in accordance with the schedule pro-
29 vided in this section.

30 (2) The rural nursing loan repayment program manager will generate and
31 make available a list of areas eligible for potential grant assistance no
32 later than August 1 prior to the application period.

33 (3) The rural nursing program manager shall develop an application form
34 and make guidance available no later than October 1, which shall initiate the
35 application period prior to the grant period.

36 (4) The completed application shall be submitted no later than November
37 30 of the application period.

38 (5) The board shall issue notification to every applicant regarding the
39 disposition of their grant request by February 15 prior to the grant period.

40 (6) Funds for approved rural nursing loan repayment grants shall be
41 disbursed upon completion of four (4) months of service in an eligible area
42 during the initial grant period and annually thereafter upon completion of a
43 twelve (12) month term of service in an eligible area.

44 39-9708. RURAL NURSING LOAN REPAYMENT AWARD CRITERIA. (1) Grant
45 awards shall be made by the board based on ranking and priority in accordance
46 with the following criteria:

47 (a) Awards shall be granted in the following order of priority:

1 (i) To licensed practical nurses and registered nurses who are
2 Idaho residents and graduated from an accredited nursing program
3 in Idaho;

4 (ii) To nurses who are Idaho residents and graduated from an ac-
5 credited registered nurse to bachelor of science in nursing pro-
6 gram in Idaho;

7 (iii) To nurses who were Idaho residents, left Idaho to attend
8 nursing school in another state, graduated from an accredited
9 non-Idaho nursing program, and returned to Idaho to work in a qual-
10 ified area;

11 (iv) To nurses from other states who graduated from an accredited
12 nursing program in Idaho and now live and work in Idaho;

13 (v) To nurses from other states who did not graduate from an ac-
14 credited nursing program in Idaho or an Idaho-based registered
15 nurse to bachelor of science in nursing program and who now live
16 and work in Idaho; and

17 (vi) To registered nurses who completed a graduate degree in nurs-
18 ing from an accredited university in Idaho and live and work in
19 Idaho;

20 (b) Award priority shall be given to nurses working in an eligible area
21 with demonstrated nursing recruiting difficulties; and

22 (c) Award priority shall be given to nurses with the support of the
23 nursing community and community leaders in the eligible area.

24 (2) In reviewing and weighing the criteria listed in subsection (1) of
25 this section, the board shall consider all relevant factors.

26 (3) If a nurse selected for an award of debt payments does not accept the
27 award, then the award shall be made to an eligible nurse who has not yet been
28 awarded a grant and who best satisfies the criteria provided in subsection
29 (1) of this section.

30 (4) The nurse shall reimburse award payments if the nurse ceases to
31 practice in the eligible area during the contract period.

32 39-9709. FRAUDULENT INFORMATION ON GRANT APPLICATION. Providing
33 false information on any application or document submitted under this chap-
34 ter is a misdemeanor and grounds for declaring the applicant ineligible. Any
35 and all funds determined to have been acquired on the basis of fraudulent
36 information must be returned to the rural nursing loan repayment grant pro-
37 gram. This section shall not limit other remedies that may be available for
38 the filing of false or fraudulent applications.

39 39-9710. DEPARTMENT AUTHORITY. The state department of health and
40 welfare is authorized to take all actions necessary to implement and enforce
41 the provisions of this chapter, including the promulgation of any necessary
42 rules.

43 39-9711. ADMINISTRATIVE APPEALS. Applicants aggrieved by the award or
44 failure to award a grant pursuant to this chapter shall be afforded the reme-
45 dies provided in chapter 52, title 67, Idaho Code.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.