

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 practical 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 Notwithstanding any other rulemaking authority that may
16 exist, neither the Governor nor any agency or agency head under
17 the jurisdiction of the Governor has any authority to make or
18 promulgate rules to implement or enforce the provisions of this
19 amendatory Act of the 95th General Assembly. If, however, the
20 Governor believes that rules are necessary to implement or
21 enforce the provisions of this amendatory Act of the 95th
22 General Assembly, the Governor may suggest rules to the General
23 Assembly by filing them with the Clerk of the House and the
24 Secretary of the Senate and by requesting that the General
25 Assembly authorize such rulemaking by law, enact those
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this
2 amendatory Act of the 95th General Assembly shall be
3 interpreted to grant rulemaking authority under any other
4 Illinois statute where such authority is not otherwise
5 explicitly given. For the purposes of this amendatory Act of
6 the 95th General Assembly, "rules" is given the meaning
7 contained in Section 1-70 of the Illinois Administrative
8 Procedure Act, and "agency" and "agency head" are given the
9 meanings contained in Sections 1-20 and 1-25 of the Illinois
10 Administrative Procedure Act to the extent that such
11 definitions apply to agencies or agency heads under the
12 jurisdiction of the Governor.

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

14 (110 ILCS 975/6.5 new)

15 Sec. 6.5. Nurse educator scholarships.

16 (a) Beginning with the fall term of the 2008-2009 academic
17 year, the Department shall provide scholarships to individuals
18 selected from among those applicants who qualify for
19 consideration by showing the following:

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

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

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

3 (b) If in any year the number of qualified applicants
4 exceeds the number of scholarships to be awarded under this
5 Section, the Department shall, in consultation with the Center
6 for Nursing Advisory Board, consider the following factors in
7 granting priority in awarding scholarships:

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

13 (2) A student's status as a registered nurse who is
14 pursuing a graduate degree in nursing to pursue employment
15 in an approved institution that educates licensed
16 practical nurses and that educates registered nurses in
17 undergraduate and graduate nursing programs.

18 (3) A student's merit, as shown through his or her
19 grade point average, class rank, experience as a nurse,
20 including supervisory experience, experience as a nurse in
21 the United States military, and other academic and
22 extracurricular activities.

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

26 (d) Within 12 months after graduation from a graduate

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

15 Any person who fails to fulfill the nurse educator
16 employment obligation shall pay to the Department an amount
17 equal to the amount of scholarship funds received per year for
18 each unfulfilled year of the nurse educator employment
19 obligation, together with interest at 7% per year on the unpaid
20 balance. Payment must begin within 6 months following the date
21 of the occurrence initiating the repayment. All repayments must
22 be completed within 6 years from the date of the occurrence
23 initiating the repayment. However, this repayment obligation
24 may be deferred and re-evaluated every 6 months when the
25 failure to fulfill the nurse educator employment obligation
26 results from involuntarily leaving the profession due to a

1 decrease in the number of nurses employed in this State or when
2 the failure to fulfill the nurse educator employment obligation
3 results from total and permanent disability. The repayment
4 obligation shall be excused if the failure to fulfill the nurse
5 educator employment obligation results from the death or
6 adjudication as incompetent of the person holding the
7 scholarship. No claim for repayment may be filed against the
8 estate of such a decedent or incompetent.

9 The Department may allow a nurse educator employment
10 obligation fulfillment alternative if the nurse educator
11 scholarship recipient is unsuccessful in finding work as a
12 nurse educator. The Department shall maintain a database of all
13 available nurse educator positions in this State.

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

17 (f) Notwithstanding any other rulemaking authority that
18 may exist, neither the Governor nor any agency or agency head
19 under the jurisdiction of the Governor has any authority to
20 make or promulgate rules to implement or enforce the provisions
21 of this amendatory Act of the 95th General Assembly. If,
22 however, the Governor believes that rules are necessary to
23 implement or enforce the provisions of this amendatory Act of
24 the 95th General Assembly, the Governor may suggest rules to
25 the General Assembly by filing them with the Clerk of the House
26 and the Secretary of the Senate and by requesting that the

1 General Assembly authorize such rulemaking by law, enact those
2 suggested rules into law, or take any other appropriate action
3 in the General Assembly's discretion. Nothing contained in this
4 amendatory Act of the 95th General Assembly shall be
5 interpreted to grant rulemaking authority under any other
6 Illinois statute where such authority is not otherwise
7 explicitly given. For the purposes of this amendatory Act of
8 the 95th General Assembly, "rules" is given the meaning
9 contained in Section 1-70 of the Illinois Administrative
10 Procedure Act, and "agency" and "agency head" are given the
11 meanings contained in Sections 1-20 and 1-25 of the Illinois
12 Administrative Procedure Act to the extent that such
13 definitions apply to agencies or agency heads under the
14 jurisdiction of the Governor.

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

17 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)

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

19 Sec. 70-50. Fund.

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

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

2 (2) Employment of secretarial, nursing,
3 administrative, enforcement, and other staff for the
4 administration of this Act.

5 (b) Disposition of fees:

6 (1) \$5 of every licensure fee shall be placed in a fund
7 for assistance to nurses enrolled in a diversionary program
8 as approved by the Department.

9 (2) All of the fees, fines, and penalties collected
10 pursuant to this Act shall be deposited in the Nursing
11 Dedicated and Professional Fund.

12 (3) Each fiscal year, the moneys deposited in the
13 Nursing Dedicated and Professional Fund shall be
14 appropriated to the Department for expenses of the
15 Department and the Board in the administration of this Act.
16 All earnings received from investment of moneys in the
17 Nursing Dedicated and Professional Fund shall be deposited
18 in the Nursing Dedicated and Professional Fund and shall be
19 used for the same purposes as fees deposited in the Fund.

20 (4) For the fiscal year beginning July 1, 2008 ~~2004~~ and
21 for each fiscal year thereafter, \$2,000,000 ~~\$1,200,000~~ of
22 the moneys deposited in the Nursing Dedicated and
23 Professional Fund each year shall be set aside and
24 appropriated to the Department of Public Health for nursing
25 scholarships awarded pursuant to the Nursing Education
26 Scholarship Law. Representatives of the Department and the

1 Nursing Education Scholarship Program Advisory Council
2 shall review this requirement and the scholarship awards
3 every 2 years.

4 (5) Moneys in the Fund may be transferred to the
5 Professions Indirect Cost Fund as authorized under Section
6 2105-300 of the Department of Professional Regulation Law
7 (20 ILCS 2105/2105-300).

8 (f) Moneys set aside for nursing scholarships awarded
9 pursuant to the Nursing Education Scholarship Law as provided
10 in item (iv) of subsection (e) of this Section may not be
11 transferred under Section 8h of the State Finance Act.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.