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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE 04-037

AN ORDER to create chapter VA 18, relating to the administration of the registered nurse education stipend program.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

04-20-2004 RECEIVED BY LEGISLATIVE COUNCIL.

05-12-2004 REPORT SENT TO AGENCY.

RS:PS

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached            YES             NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached            YES             NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached            YES             NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached            YES             NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached            YES             NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached            YES             NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached            YES             NO



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### CLEARINGHOUSE RULE 04-037

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

#### 4. Adequacy of References to Related Statutes, Rules and Forms

If the definition of “southeastern facility” in s. VA 18.01 (3) is retained, the more specific citation “s. 45.385 (1)” could be provided. However, see comment 5. b., below, regarding the suggested deletion of that definition.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. According to the chapter title and the relating clause, this rule pertains to a stipend program for a person studying to become a registered nurse (RN) who then works as an RN at one of the two state veterans homes (King and Union Grove). However, the program description in the first paragraph of the rule analysis does not mention that the stipend is for students in an RN program. It only states that the department must certify applicants who meet eligibility criteria and are deemed to be a suitable employee of the home. For clarification, the phrase “as a registered nurse” should be inserted after the word “employed” on line 5.

b. In s. VA 18.01, it would simplify the rule to add Union Grove to the definition of “home” in sub. (2) and eliminate the definition of “southeastern facility” in sub. (3) and use of the term in the rule text. The rule analysis and the Note following s. VA 18.02 (1) both refer to the facility using the Union Grove designation. If the department wishes to retain a reference to the statute governing the Union Grove facility, the term “Union Grove,” rather than “southeastern facility,” could be defined as the veterans facility operated by the department under s. 45.385 (1), Stats., and then “Union Grove” could be used in the rule text in place of

“southeastern facility.” Finally, the Note to this subsection should include reader-friendly information such as addresses, telephone numbers, and email contacts.

c. For a more logical order in s. VA 18.02, it is suggested that the eligibility requirements for receipt of the stipend be placed in sub. (1) and the provisions relating to the application procedure be placed in sub. (2).

d. Regarding the application procedure in s. VA 18.02 (1), reference is made to a person being “determined to be a suitable employee” of the home or southeastern facility, without mentioning that the person is to be employed as a registered nurse. The phrase “, as a registered nurse,” should be inserted after “employee” for clarification.

e. With regard to the eligibility requirements in s. VA 18.02 (2):

1. There is a typographical error in the word “ELIGIBILITY” in sub. (2) (title).
2. In sub. (2) (intro.), the phrase “all of the” should be inserted before the word “following.”
3. In sub. (2) (a), is “accredited school of nursing” a generally understood term? If not, perhaps it should be defined. Do those schools offer nursing degrees other than RNs? If so, this language should state that the person has been accepted *into the registered nurse program* at an accredited school of nursing, because the stipend is only available to those pursuing the RN degree.
4. Language in sub. (1) regarding an employee having to be determined to be a suitable employee of a veterans home could be interpreted as limiting the availability of the stipend to persons who are not already employed in any capacity by a veterans home. If the department intends that a person *already employed* at a veterans home in a capacity other than registered nurse is to be eligible for the stipend program, language to that effect should be included in the eligibility provisions in sub. (2) and in the rule analysis. Also, the department may want to indicate in the analysis that a person is *not* eligible for the stipend if the person is already an RN and is seeking work as an RN at a veterans home, if the department believes there may be confusion on this point.

f. Section VA 18.02 (3), relating to the stipend amount, should indicate the timing of receipt of the stipend payments, particularly the first payment, since under sub. (2) (b), the person is expected to become employed as an RN *within two years* of receipt of an initial stipend payment.

g. The following comments pertain to s. VA 18.02 (4):

1. The introduction requires the department and applicant to enter into an agreement prior to the payment of a stipend. Is this a written agreement, signed by both parties? That should be explicitly stated.

2. Also, the introduction states that the agreement must “identify the terms of participation” for the department and applicant. The rule specifies only one required component of an agreement, which relates to refunding a prorated stipend amount in specified circumstances. It appears that the rule itself should set forth all of the general subjects to be addressed in the agreement, such as the period of time for which the applicant agrees to work as an RN at a veterans home in exchange for receipt of a stipend.
3. In par. (a), the phrase “that would preclude” should be changed to “, which precludes.” Also, for clarification, “registered nurse” should be inserted before “training program” on line 2.
4. In par. (c), the phrase “as a registered nurse” should be inserted after “employment” on line 1.

## REPORT AND ANALYSIS OF CLEARINGHOUSE RULE 04-037

1. Statement explaining the basis and purpose for the proposed rules.

The basis and purpose of the proposed rules are to establish a registered nurse stipend program that can be used as an inducement to nursing students to become employed at one of the department's nursing facilities.

2. Summary of public comments made as a result of testimony presented at the public hearing and the agency's response to those comments.

The public hearing was conducted on June 18, 2004. A written statement was submitted requesting that the program be opened to out-of-state schools for the purpose of attracting additional minority applicants. The department responded that it is committed to working with in-state schools to accomplish this objective. Furthermore, allowing out-of-state students to participate in the program presents an insurmountable recovery process in the event the student chooses to not honor his or her commitments under the participation agreement. No modifications were made as a result of the comments made at the hearing.

3. Changes to the rule analysis or fiscal estimate.

None.

4. Public hearing appearances and registration.

Michael Jackson, Dane County veterans service officer, provided the written statement identified in the prior response at the hearing.


5. Response to Legislative Council Clearinghouse Report.

The recommendations of the Legislative Council Clearinghouse were implemented in the final order approved by the Board, with the following caveats. The term "accredited school of nursing" is a generally understood term, so no definition was added. Also, the department and board chose to not add

every term of the participation agreement to the rule itself. Flexibility is needed to address market conditions and employment needs, so that, for example, the department may want to shorten or lengthen the expected employment period. Using modified written agreements can do this much more simply.

STATE OF WISCONSIN  
DEPARTMENT OF VETERANS AFFAIRS

BY:



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JOHN A. SCOCOS, SECRETARY

**PROPOSED ORDER OF THE  
DEPARTMENT OF VETERANS AFFAIRS  
CREATING RULES**

The Wisconsin Department of Veterans Affairs adopts an order to create chapter VA 18, relating to the administration of the registered nurse education stipend program.

Analysis prepared by the Department of Veterans Affairs.

Statutory authority: s. 45.365 (7), Stats.

Statute interpreted: s. 45.365 (7), Stats.

The creation of chapter VA 18 establishes the application process, eligibility criteria, stipend amount, repayment provisions, and employment requirements for the administration of the stipend program authorized by the legislature and governor in 2003 Wis. Act 33. The stipend program was enacted to provide stipends to individuals to attend school and receive the necessary credentials to become employed as a registered nurse at the Veterans Homes operated by the Department of Veterans Affairs at King and Union Grove, Wisconsin. An individual who already has credentials as a registered nurse would not be entitled to a stipend. An individual already employed by the Department of Veterans Affairs, other than as a registered nurse, would be able to apply for the stipend, subject to the criteria applicable to any other applicant. The statutory authority cited above directs the Department of Veterans Affairs to promulgate rules for the stated purposes.

There are no current or pending federal regulations that address stipends for registered nurses as an inducement to become employees of the State Veterans facilities. There are no similar rules in adjacent states. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal effect on the private sector. The rule provides a mechanism to facilitate employment of registered nurses by the Department of Veterans Affairs.

Text of the Rule

Chapter VA 18 is created to read:

**REGISTERED NURSE EDUCATION STIPEND PROGRAM**

**VA 18.01 Definitions.** In this chapter:



- (1) "Department" means the department of veterans affairs.
- (2) "Home" means the Wisconsin Veterans Homes at King and Union Grove.
- (3) "Stipend" means a payment made to an individual under s. 45.365 (7), Stats.
- (4) "Veteran" means an individual as defined in s. 45.001 (4), Stats.

#### **VA 18.02 Eligibility, application procedure, stipend amount, and agreement.**

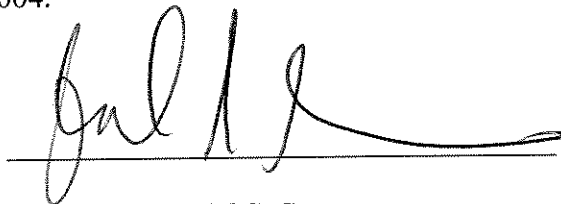
- (1) **ELIGIBILITY.** An applicant's eligibility to receive a stipend shall be determined under all of the following criteria:
  - (a) The applicant has been accepted into the registered nurse program at an accredited school of nursing in this state.
  - (b) The applicant has sufficient credits so that it is reasonable to conclude that the applicant will attain the credentials necessary to become employed by the home as a registered nurse within two years of receipt of an initial stipend payment.
  - (c) If the applicant has completed courses towards the required credentials at the time of application, the applicant must be a student in good standing, as verified by the school.
  - (d) The applicant agrees to enter into a written agreement under sub. (4).
- (2) **APPLICATION PROCEDURE.** An individual may file an application with the department on a form approved by the department. The applicant shall provide sufficient information to establish that the applicant meets the eligibility criteria of sub. (1). The department shall periodically evaluate applications and interview those applicants who meet the eligibility criteria. Subsequent to an interview, the department shall certify an applicant who meets the eligibility criteria and who is determined to be a suitable employee as a registered nurse at the home. The applicant shall be certified for a 6-month period. The department may provide a stipend to a certified applicant upon the applicant's execution of an agreement under sub. (4). If the payment of stipends to all currently-certified applicants would deplete the amount of funds available for the payment of stipends, the department may give priority to certified applicants who are veterans or dependents of veterans.

NOTE: Application forms may be obtained from the Veterans Home at N2665 County Road QQ, King, Wisconsin 54946-0600, telephone number (715) 258-4249.

- (3) **STIPEND AMOUNT.** The department may award a stipend to a certified applicant of up to \$3750.00 per semester to a full-time student and \$1875.00 per semester to a part-time student. The initial stipend payment shall be provided within 60 days of the execution of the written agreement entered into under sub. (4). Subsequent stipend payments shall be provided in separate payments for each semester attended by the applicant, subject to the conditions of the written agreement entered into under sub. (4). The amount received as a stipend shall be disregarded by the department in determining the applicant's entitlement to a grant under s. 45.25, s. 45.396, or s. 45.397, Stats.
- (4) **AGREEMENT.** The department and the applicant shall enter into a written agreement signed by the applicant prior to the payment of a stipend. The agreement shall identify the terms of participation for the department and applicant. Specifically, the agreement shall require that the applicant refund a prorated amount of the stipend if any of the following apply:
- (a) The applicant fails to satisfactorily complete a semester or course which precludes the applicant from completing the registered nurse training program within the time period designated in the agreement.
  - (b) The applicant fails to maintain the status of a student in good-standing, as verified by the school.
  - (c) The applicant fails to accept or maintain employment as a registered nurse with the department for the time period designated in the agreement.

**VA 18.03 Administrative review.** Any department decision under this chapter is subject to appeal under s. VA 1.03.

Dated at Madison, Wisconsin, June 18, 2004.

A handwritten signature in black ink, appearing to read "John A. Scocos", written over a horizontal line.

JOHN A. SCOCOS, Secretary  
State of Wisconsin  
Department of Veterans Affairs

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

**Subject**  
Adopting rules to create Chapter VA 18 of the Wisconsin Administrative Code relating to administration of the registered nurse education program.

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget     Yes     No

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive     Mandatory  
 2.  Decrease Costs  
 Permissive     Mandatory

3.  Increase Revenues  
 Permissive     Mandatory  
 4.  Decrease Revenues  
 Permissive     Mandatory

5. Types of Local Governmental Units Affected:

- Towns       Villages       Cities  
 Counties     Others \_\_\_\_\_  
 School Districts       WTCS Districts

**Fund Sources Affected**

- GPR    FED    PRO    PRS    SEG    SEG-S

**Affected Ch. 20 Appropriations**

S.20.485(1)(gk)

**Assumptions Used in Arriving at Fiscal Estimate**

Funding for this program was provided under the provisions of 2003 Wisconsin Act 33. The proposed rule creates Chapter VA 18, Registered Nurse Education Stipend Program authorized under s.45.365(7), Wis. Stats.

The rule creates and establishes the application process, eligibility criteria, employment requirements, repayment provisions, and stipend amount for a individual not to exceed the maximum of \$7,500 per school year to obtain the necessary credentials for employment with the Veterans Homes operated by the Department of Veterans Affairs at King and Union Grove. The administrative rule has no fiscal effect. It does include the following provision governing the maximum amount that can be awarded:

VA 18.02(3) establishes a maximum stipend of \$7,500 per individual per school year during the last two years of training (\$3,750 per semester for full-time student and \$1,875 per semester for a part-time student). The individuals receiving stipends would agree to work at one of the department's veterans homes one year for each year they receive a stipend. Based on the \$7,500 maximum for stipends the department could award up to 14 stipends per fiscal year (14 x \$7,500 = \$105,000), to full-time students. More than 14 stipends could be awarded per fiscal year if some of the individuals receiving a stipend are part-time students.

**Long-Range Fiscal Implications**

Agency/Prepared by: (Name & Phone No.)  
Dept. of Veterans Affairs  
Zolonda Eubanks (608) 264-7072

Authorized Signature/Telephone No.  
Seth Perelman (608) 266-3081

Date  
3/25/04



*Jim Doyle, Governor*  
*John A. Scocos, Secretary*

**STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS**

30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843  
PHONE: (608) 266-1311 1-800-947-8387 (WIS VETS)  
WEB SITE: [dva.state.wi.us](http://dva.state.wi.us)  
E-MAIL: [Headquarters@dva.state.wi.us](mailto:Headquarters@dva.state.wi.us)  
FAX: (608) 267-0403

DATE: June 25, 2004

TO: Representative John Gard, Speaker of the Assembly  
Senator Alan Lasee, President of the Senate ✓

FROM: John A. Scocos, Secretary  
Wisconsin Department of Veterans Affairs

RE: Clearinghouse Rule 04-037

I am submitting three copies of the final draft of Clearinghouse Rule 04-037, as well as the report and analysis required under sec. 227.19, Stats. Please forward this material to the appropriate committees for review.



TO: Members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

FROM: Sen. Ron Brown, Chair

DATE: July 1, 2004

RE: Referral of Clearinghouse Rule 04-037

The following Clearinghouse Rule has been referred to the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform:

- **Clearinghouse Rule 04-037**, relating to the administration of the registered nurse education stipend program.

An electronic copy of this rule is available on Folio. If you would like a hard copy of CR 04-037, or if you have questions about the rule or wish to request a hearing, please contact Melissa Gilbert in my office at 266-8546. The committee's 30-day review period for this rule expires on **July 30**.

Thank you for your attention to this matter.

## Gilbert, Melissa

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**From:** Hardie, Anthony  
**Sent:** Thursday, July 22, 2004 4:40 PM  
**To:** Gilbert, Melissa  
**Cc:** Scocos, John  
**Subject:** LEGISLATIVE INQUIRY: Nurse Stipend Funding

**Importance:** High

Missy,

You had inquired regarding the funding source of WDVA's Nurse Stipend program following the publication of the administrative rule implementing the program. Specifically, you had asked whether the Veterans Trust Fund is the revenue source for the program. The answer to that question is both yes and no.

For budgeting purposes, the program is funded from the veterans homes (WVH-King program revenue), and was approved as part of the 2003-05 budget.

However, Joint Finance determined that of the MA revenues that the WVH-King receives to reimburse for the cost of the program, the state's portion (40%) that is paid from state GPR must be repaid from the Veterans Trust Fund.

Thus, of the \$105,000 budgeted for the nurse stipend program for FY2005, up to \$42,000 (40% of the total) could potentially be reimbursed from the VTF. The actual amount will depend on the total amount of stipend program funding awarded in any fiscal year.

Please let me know if you need additional information.

Anthony Hardie  
WDVA Executive Assistant  
Office of the Secretary  
Wisconsin Department of Veterans Affairs

**Direct Phone: (608) 266-0517 -- Fax: (608) 264-7616**

**Wisconsin Department of Veterans Affairs**

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Madison, WI 53707-7843

Toll-Free: (800) 947-8387 (800-WIS-VETS)

Web Site: <http://dva.state.wi.us>

Ron,

This is an FYI on the nurse stipend rule in our committee. Our jurisdiction ends July 30. Any thoughts? We could try to address this in the budget or just ~~add~~ trust OVA to handle.

- Missy