

**ADOPTED REGULATION OF THE NEVADA STATE
COMMISSIONERS OF THE WESTERN INTERSTATE
COMMISSION FOR HIGHER EDUCATION**

LCB File No. R047-14

Effective December 22, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 397.020, 397.040, 397.0655 and 397.069; §§2 and 7, NRS 397.020 and 397.040; §3, NRS 397.020, 397.040 and 397.069; §4, NRS 397.020, 397.040 and 397.0617; §§5 and 6, NRS 397.020, 397.040 and 397.0655; §§8 and 9, NRS 397.020, 397.040 and 397.0645.

A REGULATION relating to the Western Interstate Commission for Higher Education; defining “residence” for purposes of determining whether an applicant is qualified to apply for the program established by the Western Regional Higher Education Compact; providing the manner in which to apply for an extension of the period to repay a loan or stipend received under the program; providing the manner in which to apply for an extension of the period by which certain persons must practice in a certain profession in a medically underserved area of this State under the program; authorizing a person to apply for a reduction of the principal balance of a loan or stipend because of hardship; authorizing the Director to negotiate the terms of repayment of a loan or stipend; revising provisions relating to the application for an extension of the period for completing certain professional practice in this State under the program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires: (1) the Western Interstate Commission for Higher Education (hereinafter “WICHE”) to promulgate rules and regulations for its management and control; and (2) state officers to do everything within their respective provinces and jurisdiction necessary or incidental to the carrying out of the Western Regional Higher Education Compact (hereinafter “Compact”). Existing law declares the performance and carrying out of the Compact and the accomplishment of the purposes thereof to be state policy. (NRS 397.020, 397.040)

Under existing law, the three Nevada State Commissioners (hereinafter “Commissioners”) of WICHE are authorized to grant an extension of the period for the repayment of a loan or stipend provided to a recipient under the program established pursuant to the Compact in case of hardship. An application for such an extension must be filed within the time prescribed by

regulation. (NRS 397.069) **Section 3** of this regulation requires a person to apply for such an extension not later than 120 days after the date on which default on the repayment occurs.

Existing law also requires a student who receives a stipend from WICHE to repay all state contributions for the stipend unless, within 5 years after the completion or termination of the student's education, internship or residency for which he or she receives the stipend, the student practices his or her profession in this State for a certain period determined by when the student entered the program. The Commissioners are authorized to adopt regulations which extend the time for completing such practice for a person who is granted an extension because of hardship. (NRS 397.0645) **Section 9** of this regulation revises provisions relating to the application for and granting of such an extension.

Existing law further authorizes the Commissioners to forgive the portion of a support fee designated as a loan of a person who agrees to practice in a medically underserved area of this State for at least 2 years. (NRS 397.0617) **Section 4** of this regulation: (1) requires such a person to complete that practice within 5 years after the person completes or terminates the education, internship or residency for which he or she received a support fee; and (2) authorizes such a person to apply for an extension of time for completing the required practice.

Section 5 of this regulation authorizes a person to apply for a reduction of the principal balance of a loan or stipend because of hardship, and **section 6** of this regulation authorizes the Director of WICHE to negotiate the terms of repayment of a loan or stipend.

Section 1. Chapter 397 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 397.060, "residence" means the physical presence of a person within this State. If a person leaves this State with the intention in good faith to return without delay and continue his or her residence, the time of such absence is not considered in determining the fact of residence.*

Sec. 3. *1. To apply for an extension of the period for the repayment of a loan or stipend as authorized by NRS 397.069, a person must submit a petition to the commissioners in writing not later than 120 days after the date on which default on the repayment occurs. The petition must contain the reasons for requesting the extension.*

2. The commissioners will grant an extension for good cause, including, without limitation:

- (a) Military service;*
- (b) Service in the Peace Corps or the AmeriCorps VISTA program;*
- (c) Participation in the National Health Service Corps Scholarship Program;*
- (d) Continuation of education in the petitioner's field of study or specialization;*
- (e) Interruption of study due to financial hardship;*
- (f) Illness;*
- (g) Failure to fulfill any professional licensing requirement; or*
- (h) Any other circumstance deemed appropriate by the commissioners.*

3. An extension granted pursuant to paragraph (g) of subsection 2 must be for not longer than 2 years after the date on which the first professional examination was administered after the graduation of the petitioner from the program for which he or she received state contributions for loans or stipends, except that the person may apply for an additional extension for good cause. Any additional extension must be for not longer than 2 years after the expiration of the prior extension.

4. If the commissioners deny a petition submitted pursuant to this section, the petitioner may appeal to the commissioners by submitting a request for an appeal in writing not later than 10 days after his or her receipt of the notice of denial.

Sec. 4. 1. *A person who receives a support fee because he or she agrees to practice in a profession in a medically underserved area of this State for at least 2 years pursuant to NRS 397.0617 must complete that practice within 5 years after the person completes or terminates the education, internship or residency for which he or she received the support fee unless an extension is granted pursuant to this section.*

2. A person may apply for an extension of the period to complete his or her practice by submitting a petition to the commissioners in writing before the period for completion has expired. The petition must contain the reasons for requesting the extension.

3. The commissioners will grant an extension for good cause, including, without limitation:

(a) Military service;

(b) Service in the Peace Corps or the AmeriCorps VISTA program;

(c) Participation in the National Health Service Corps Scholarship Program;

(d) Continuation of education in the petitioner's field of study or specialization;

(e) Interruption of study due to financial hardship;

(f) Illness;

(g) Failure to fulfill any professional licensing requirement; or

(h) Any other circumstance deemed appropriate by the commissioners.

4. An extension granted pursuant to paragraph (g) of subsection 3 must be for not longer than 2 years after the date on which the first professional examination was administered after the graduation of the petitioner from the program for which he or she received a support fee, except that the person may apply for an additional extension for good cause. Any additional extension must be for not longer than 2 years after the expiration of the prior extension.

5. If the commissioners deny a petition submitted pursuant to this section, the petitioner may appeal to the commissioners by submitting a request for an appeal in writing not later than 10 days after his or her receipt of the notice of denial.

Sec. 5. 1. *To apply for a reduction of the principal balance of a loan or stipend because of hardship, a person must submit a petition to the commissioners in writing. The petition must contain the reasons for requesting the reduction.*

2. If the commissioners deny a petition submitted pursuant to this section, the petitioner may appeal to the commissioners by submitting a request for an appeal in writing not later than 10 days after his or her receipt of the notice of denial.

Sec. 6. 1. *Pursuant to NRS 397.0655, the Director of the Western Interstate Commission for Higher Education may negotiate the terms of repayment of a loan or stipend, including, without limitation, how and when a recipient of a loan or stipend who is in default will be required to make payments.*

2. If a recipient of a loan or stipend is in default of payment for 120 days or more, the Director may coordinate debt collection efforts as the Director deems necessary.

Sec. 7. NAC 397.010 is hereby amended to read as follows:

397.010 As used in this chapter, unless the context otherwise requires ~~†~~

~~1. “Commissioners”~~, “commissioners” means the three persons appointed to represent Nevada on the Western Interstate Commission for Higher Education, acting jointly.

~~{2. “Rural area” means any part of this state which is more than 50 miles from the corporate boundaries of the cities of Carson City, Reno and Las Vegas.}~~

Sec. 8. NAC 397.020 is hereby amended to read as follows:

397.020 1. To apply for a reduction of the period of required practice *as* authorized by paragraph (a) of subsection 2 of NRS ~~{397.065,}~~ **397.0645**, a person must *submit a* petition *to* the commissioners *in writing* after having practiced continuously for not less than 1 year the

profession which the person was certified to study. *The petition must contain the reasons for requesting the reduction.*

2. The practice must have been:

(a) ~~As a full-time employee of the State; or~~

~~(b)~~ In a rural area ~~of this State~~, with at least one-half of the person's overall practice time having been spent in the rural area ~~of~~

~~2. The petition must be in writing and must contain the reasons for the reduction.~~ ; or

(b) As a full-time employee of this State.

3. ~~Upon granting~~ *If the commissioners grant* a petition ~~of~~ *submitted pursuant to this section*, the commissioners will reduce the period of required practice by not more than 1 year.

4. ~~The~~ *If the commissioners deny a petition submitted pursuant to this section, the* petitioner may appeal ~~a denial of his or her petition~~ to the commissioners *by submitting a request for an appeal* in writing ~~within~~ *not later than* 10 days after his or her receipt of the notice of denial.

5. *As used in this section, "rural area" means any part of this State which is 50 miles or more from the corporate boundaries of the cities of Carson City, Reno or Las Vegas.*

Sec. 9. NAC 397.030 is hereby amended to read as follows:

397.030 1. To apply for an extension of ~~time~~ *the period* for completing the ~~3 years of~~ required practice beyond 5 years as authorized by paragraph (b) of subsection 2 of NRS ~~397.065;~~ *397.0645*, a person must *submit a* petition *to* the commissioners in writing ~~while the person is in school or within 1 year after completing the program for which he or she received state contributions for stipends.~~ *before the period for completion has expired.* The petition must contain the reasons for *requesting* the extension.

2. The commissioners ~~{, if good cause exists,}~~ will grant ~~{extensions}~~ *an extension* for ~~{}~~ *good cause, including, without limitation:*
- (a) Military service;
 - (b) Service in the Peace Corps or ~~{a Vista}~~ *the AmeriCorps VISTA* program;
 - (c) Participation in the National Health *Service Corps* Scholarship Program;
 - (d) Continuation of education in the petitioner's field of study or specialization;
 - (e) Interruption of study ~~{for 1 year}~~ due to financial hardship;
 - (f) Illness; ~~{and}~~
 - (g) ~~{Other circumstances}~~ *Failure to fulfill any professional licensing requirement; or*
 - (h) *Any other circumstance* deemed appropriate by the commissioners.
3. An extension ~~{may also be}~~ granted *pursuant to paragraph (g) of subsection 2* ~~{a petitioner who failed to pass his or her professional examination, but practice of the petitioner's profession}~~ must ~~{begin no later}~~ *be for not longer* than 2 years after the ~~{administration of}~~ *date on which* the first *professional* examination ~~{after his or her}~~ *was administered after the* graduation *of the petitioner* from the program for which he or she received state contributions for stipends ~~{unless an}~~ *, except that the person may apply for an additional* extension ~~{is granted pursuant to subsection 2.}~~ *for good cause. Any additional extension must be for not longer than 2 years after the expiration of the prior extension.*
4. ~~{The}~~ *If the commissioners deny a petition submitted pursuant to this section, the* petitioner may appeal ~~{a denial of his or her petition}~~ to the commissioners *by submitting a request for an appeal* in writing ~~{within}~~ *not later than* 10 days after his or her receipt of the notice of denial.

**INFORMATIONAL STATEMENT
FOR THE ADOPTION OF REGULATION**

**STATE OF NEVADA WESTERN INTERSTAE COMMISSION
FOR HIGHER EDUCATION (WICHE)**

LCB FILE NO. R0147-14

The Nevada Western Interstate Commission for Higher Education adopted regulations assigned LCB File No. R0-147-14 which pertain chapter 397 of the Nevada Administrative Code (NAC) on June 20, 2014. A copy of the regulations as adopted is attached hereto.

1. Explanation of need for and the purpose of the proposed regulation or amendment. The existing law requires: (1) the Western Interstate Commission for Higher Education (hereinafter “WICHE”) to promulgate rules and regulations for its management and control; and (2) state officers to do everything within their respective provinces and jurisdiction necessary or incidental to the carrying out of the Western Regional Higher Education Compact (hereinafter “Compact”). Existing law declares the performance and carrying out of the Compact and the accomplishment of the purposes thereof to be state policy. (NRS 397.020, 397.040) This regulation is necessary to add to and update regulations to provide additional clarity regarding WICHE procedures and definitions.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary. Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of WICHE programmatic definitions and procedure as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Western Interstate Commission for Higher Education (WICHE), www.nevadawiche.org, mailed to all county libraries in Nevada and posted at the following locations:

NSHE
2601 Enterprise Road
Reno, Nevada 89512

NSHE
5550 W. Flamingo Rd. #C-1
Las Vegas, NV 89103

Office of the Attorney General
5420 Kietzke Lane, Ste. 202
Reno, NV 89511

Washoe County Courthouse
75 Court Street
Reno, Nevada

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada 89101

The State of Nevada WICHE held a public workshop to solicit comments on the proposed regulation language pertaining to NAC 397 on February 29, 2014 in accordance with Open Meeting Law requirements to allow an open discussion of existing WICHE programmatic definitions and procedure. The minutes of that meeting contain a summary of the discussion held regarding the proposed amendments. Thereafter, on May 20, 2014, the Director of the Nevada Western Interstate Commission for Higher Education issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments any suggestions of the parties

attending the February 19th workshop as well as the recommendations of the WICHE Commission. The minutes of the workshop and of the hearing are available on the website at www.nevadawiche.org, or may be obtained from the WICHE office located at 2601 Enterprise Road, Reno, NV, 89512, (775) 784-4900, or email dana_westre@nshe.nevada.edu.

3. The number of persons who:

- (a) Attended each hearing:** February 19, 2014: 10; June 20, 2014: 8
- (b) Testified at each hearing:** February 19, 2014: 3; June 20, 2014: 1
- (c) Submitted to the agency written comments:** No written comments were submitted.

4. A list of names and contact information for each person identified above in #3 is attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary. Pursuant to NRS 233B.0608, the State of Nevada Western Interstate Commission for Higher Education (WICHE) determined that no businesses are being affected. The proposed regulation does not (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. The proposed regulations apply to participants in the WICHE program under NRS Chapter 397 which are individuals. Per the definition in statute, the affected individuals do not meet the NRS 233B.0382 definition of small business. Therefore, these regulations have no direct or significant impact on small business.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The permanent regulation received from Legislative Counsel was adopted without change to any part of the regulation after the opportunity for public comment was provided; no public comment was submitted to affect a language change.

7. Estimated cost to the agency for enforcement of the proposed regulation. The Western Interstate Commission for Higher Education does not anticipate the need for any additional costs to administer or enforce this regulation.

8. Estimated economic effect of the regulation on the business which it is to regulate. The regulation presents no reasonably foreseeable or anticipate adverse economic effects on the businesses.

9. Estimated economic effect of the regulation on the public. The regulation presents no reasonably foreseeable or anticipated adverse economic effects on the general public.

10. A description of any regulations of other state, local, or federal governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. There are no other state or government agency regulations that the proposed regulation duplicates.

11. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. There are no federal regulations that apply.

12. Whether the proposed regulation establishes a fee or increases an existing fee. The proposed regulation does not establish a new fee nor increase an existing fee of the regulating agency.

EXHIBIT A

CONTACT INFORMATION FOR PERSONS PROVIDING TESTIMONY

**STATE OF NEVADA WESTERN INTERSTATE COMMISSION
FOR HIGHER EDUCATION (WICHE)**

LCB FILE NO. R0147-14

February 19, 2014 workshop; June 20, 2014 hearing:

Joseph Hardy, Commissioner, Nevada Western Interstate Commission for Higher Education
874 American Pacific Dr.
Henderson, Nevada 89014
[\(702\) 777-3202](tel:(702)777-3202)
hardybc1@gmail.com

February 19, 2014 workshop; June 20, 2014 hearing

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Carson City, Nevada 89701
[\(775\) 684-1229](tel:(775)684-1229)
cparker@ag.nv.gov

February 19, 2014 workshop; June 20, 2014 hearing

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June 20, 2014 Hearing

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