

EFFECTIVE
7/2/11

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

183 NAC 1

TITLE 183 FINANCIAL ASSISTANCE

CHAPTER 1 STUDENT LOAN PROGRAM UNDER THE RURAL HEALTH SYSTEMS AND
PROFESSIONAL INCENTIVE ACT

1-001 SCOPE AND PURPOSE OF REGULATIONS: These rules and regulations are promulgated under the authority of and in compliance with Neb. Rev. Stat. §§ 71-5650 to 71-5670, the Rural Health Systems and Professional Incentive Act. The purpose of these rules and regulations is to establish procedures for awarding student loans under the Act.

1-002 DEFINITIONS: For the purpose of these rules and regulations, the following definitions apply:

Act means the Rural Health Systems and Professional Incentive Act.

Approved dental specialty means general practice, pediatric dentistry, and oral surgery.

Approved medical specialty means family practice, general practice, general internal medicine, general pediatrics, general surgery, obstetrics/gynecology, and psychiatry.

Approved mental health practice program means an approved educational program consisting of a master's or doctorate degree with the focus being primarily therapeutic mental health and meeting the educational requirements for licensure in mental health practice or psychology by the Department.

Commission means the Nebraska Rural Health Advisory Commission.

Department means the Department of Health and Human Services, Division of Public Health.

Doctorate-level mental health student means a graduate student enrolled in or accepted for enrollment in an approved mental health practice program leading to a doctorate degree and meeting the educational requirements for licensure in psychology by the Department.

Fiscal year means July 1 through June 30.

Health care means both somatic and mental health care services.

Master's-level mental health student means a graduate student enrolled in or accepted for enrollment in an approved mental health practice program leading to a master's degree and meeting the educational requirements for licensure in mental health practice by the Department.

Nebraska resident is defined by Neb. Rev. Stat. § 85-502 and the rules and regulations of the educational institution, which under Neb. Rev. Stat. § 85-501 determines resident status at the time of registration.

Part-time master's-level mental health student means a student who will complete a minimum of 12 but fewer than 18 credit hours per fiscal year.

Rural means located within any county in Nebraska having a population of less than 15,000 inhabitants and not included within a metropolitan statistical area as defined by the United States Department of Commerce, Bureau of the Census.

1-003 ELIGIBILITY REQUIREMENTS: An individual, in order to be eligible for a student loan, must:

1. Be enrolled or accepted for enrollment in an accredited medical education program, dental education program, physician assistant education program, or an approved graduate-level mental health practice program in Nebraska;
2. Be a Nebraska resident and, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114, attest that s/he is a U.S. citizen or a qualified alien lawfully present in the U.S.
3. Submit an application containing information specified by the Commission;
4. Grant an interview, if requested, by members of the Commission as part of the application process. The interview will be limited to matters relevant to determining the likelihood that the applicant will practice in a health profession shortage area. Interviews will be conducted as soon as possible after June 1, but no later than July 15;
5. Have motivation and preference to practice in a shortage area of the State of Nebraska as designated by the Commission;
6. If a medical or physician assistant student, have motivation and preference to practice an approved medical specialty upon completion of formal professional training, which may include up to five years of residency training;
7. If a dental student, have motivation and preference to practice an approved dental specialty upon completion of formal professional training, which may include up to five years of residency training; and
8. Sign an agreement with the State of Nebraska.

1-003.01 Doctorate-level students will not be awarded more than four loans through the program, and master's-level students will not be awarded more than two loans through the program.

1-003.02 Credit hours must be completed during the fiscal year for which the loan was granted.

1.003.03 A part-time master's level mental health student must complete a minimum of 12 credit hours during the fiscal year for which the loan was granted.

1-004 SUPPLEMENTAL SCREENING FACTORS: In consideration of granting loans, the prioritizing of applicants will include, as a minimum, whether the applicant has incurred any other service obligations which might influence his or her choice of a practice area.

In addition, the following factors may be considered as positive indicators of motivation to practice in a health profession shortage area:

1. Demonstration of a background of residence in a rural area or health profession shortage area;
2. Demonstration of a background of education in a rural area or health profession shortage area;
3. Demonstration of family ties to a rural area or health profession shortage area; or
4. Demonstration of a work history involving health care in a rural area or health profession shortage area.

1-005 DESIGNATION OF HEALTH PROFESSION SHORTAGE AREAS: The Rural Health Advisory Commission will designate an area as being a health profession shortage area if, in addition to the factors mentioned in the Act, the following two criteria are met:

1. The area is a rational area for the delivery of health care services; and
2. One of the following conditions prevails within the area:
 - a. The area's population-to-practitioner ratio exceeds the acceptable ratio set by the Commission; or
 - b. The area's population-to-practitioner ratio is within a range set by the Commission and the area has one or more high need indicators as set by the Commission.

1-006 APPLICATION PERIOD: Applications will be accepted annually between April 1 and June 1. Applications must be postmarked no earlier than April 1 or later than June 1. Applications postmarked prior to or on June 1 must be received no later than June 5. Applications will not be accepted prior to April 1 or after June 5. Faxed applications must be sent no earlier than April 1 or later than June 1.

TITLE 183 - NEBRASKA DEPARTMENT OF HEALTH/FINANCIAL ASSISTANCE/REGULATIONS

CHAPTER 2 - RULES AND REGULATIONS GOVERNING, GRANTS AND CONTRACTS FOR RESEARCH OF CANCER OR SMOKING DISEASE OR BOTH

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Application Process For Contract	81-639, 81-640	009
Application Process For Grant	81-639, 81-640	003
Contract Awards	81-640	011
Definitions - Contracts For Research	81-637, 81-640	007
Definitions - Grants For Research	81-637, 81-640	001
Eligible Projects For Contract For Research	81-640	008
Eligible Projects For Grant For Research	81-640	002
Evaluation And Disposition Of Applications For Grant	81-638, 81-639, 81-640	004
Evaluation And Disposition Of Contract Proposals Or Applications	81-638, 81-639, 81-640	010
Research Project Grant Awards	81-640	005
Use Of Contract Funds	81-640	012
Use Of Grant Funds	81-640	006

TITLE 183 - NEBRASKA DEPARTMENT OF HEALTH

CHAPTER 2 - RULES AND REGULATIONS GOVERNING GRANTS AND CONTRACTS FOR RESEARCH OF CANCER OR SMOKING DISEASE OR BOTH

GRANTS FOR RESEARCH

001 DEFINITIONS - GRANTS FOR RESEARCH

001.01 Definitions. As used in these Regulations the following terms shall have the following meanings:

001.01A Cancer shall mean all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

001.01B Smoking disease shall mean diseases whose causes are linked to smoking including, but not limited to, cardiovascular, pulmonary, and gastrointestinal diseases.

001.01C Director shall mean the Director of Health.

001.01D Department shall mean the Department of Health.

001.01E Act shall mean sections 81-637 to 81-640, Reissue Revised Statutes of Nebraska, 1943.

001.01F Grant shall mean a money payment awarded by the Department of Health to a researcher of cancer or smoking disease, or both, for the purpose of carrying out a project.

001.01G Grantee shall mean the University of Nebraska.

001.01H Principal investigator shall mean a single individual, designated by the grantee in the grant application and approved by the Director, who is responsible for the scientific and technical direction of the project or program.

001.01I Project or program shall mean the particular activity as described in the application approved by the Director or as modified through amendments approved by the Director within the area of research

of cancer or smoking disease which is supported by a grant award issued under these regulations.

002 ELIGIBLE PROJECTS FOR GRANT FOR RESEARCH

002.01 Permissible Activities Within Projects. A project found by the Director to be a research project meeting the criteria for a grant established by these Rules and Regulations in the area of research of cancer or smoking disease, or both, shall be eligible for a grant award. Eligible projects shall consist of laboratory, clinical, population, behavioral, epidemiological, field, statistical, basic, applied or other types of investigations, studies or experiments or combinations thereof and may either be limited to one, or a particular aspect of a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple discipline, facilities and resources, providing the project as a whole meets the other standards established by these Regulations.

003 APPLICATION PROCESS FOR GRANT

003.01 Submittal Deadline Notification. The University of Nebraska shall be notified by the Director of a sixty-day period for the acceptance of proposals.

003.02 Notification shall be made by the Director to individuals who have submitted proposals during the two previous years, to the Systems Office of the University, appropriate colleges or departments of the University of Nebraska, and other individuals who indicate their interest.

003.03 Submitting Proposals. To be considered for funding, a grant proposal must be presented to the Director during a period which the Director has designated for accepting grant proposals on 8½ x 11 inch white paper.

003.04 Content of Application. A grant proposal must include the following information at a minimum:

003.04A Must identify the prospective principal researcher and indicate said individual's affiliation with the University of Nebraska.

003.04B Must provide a summary of the proposal worded in non-technical language, except where technical terms cannot be avoided to convey intent;

003.04C Must provide an itemized list of all proposed expenditures to be made with the grant;

003.04D Must demonstrate the relevancy of the proposal to the furthering of cancer and smoking diseases research;

003.04E Must demonstrate the feasibility of the applicant's proposal;

003.04F Must demonstrate that the facilities, personnel, and expertise necessary to conduct the proposed work are available to the applicant.

003.04G Must provide evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research; and

003.04H Must provide a statement of hypothesis to be tested and an indepth discussion of the methodology to be employed in testing it.

003.05 Conduct of Review. The review of proposals shall be completed by the Director and notification concerning awards shall be made within one hundred eighty days of the application deadline.

004 EVALUATION AND DISPOSITION OF APPLICATIONS FOR GRANT

004.01 Evaluation. The Director when making grants to the grantee pursuant to this Act shall consider the following criteria for programs or projects in order to receive funding:

004.01A The relevancy of the applicant's proposal to the furthering of research of cancer and smoking diseases;

004.01B The feasibility of the applicant's proposal;

004.01C The availability of other sources of funding for the applicant's proposal;

004.01D The facilities, personnel, and expertise available to the applicant for use in the proposal;

004.01E Evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research; and

004.01F That the applicant is the University of Nebraska.

005 RESEARCH PROJECT GRANT AWARDS

005.01 General. Any funds granted shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, these regulations, and the terms and conditions of the grant award. The awarding of a grant is dependent upon the appropriation of adequate funds by the Legislature.

005.02 Notice of Grant Award. The notice of a grant award specifies the length of the project period. The grant will initially be for no more than one year and continuation grant awards will also be for no more than one year at a time. Funding of continuation grants shall be subject to the availability of funds and submission of a continuation grant application, provided that, the proposal meets the applicable criteria.

006 USE OF GRANT FUNDS

006.01 General. Grant funds may be utilized for payment of the salaries of personnel participating in the project, but not for the payment of overhead. A progress report, including time and effort as well as other indicator shall be submitted a grantee after the grant has been in effect for a period of six months. If a progress report is not submitted, is submitted late, is incomplete, or indicates a lack of measurable progress, the transmittal of further grant funds may be suspended by the Director until corrective measures have been taken eliminating the deficiencies. Grant funds shall be subject to audit by the Department after the grant has been in effect for a period of six months and for each six months thereafter.

006.02 Delegation of Fiscal Responsibility. The grantee may not in whole or in part delegate or transfer to another responsibility for the use or expenditure of grant funds but this does not prohibit or restrict a grantee from subcontracting for specific services. A grantee shall not subcontract for all necessary services with a single entity to implement the project. The grantee may not make any subgrant to or enter into any subcontract with any school or institution of learning not owned or exclusively controlled by the State of Nebraska or a political subdivision thereof.

006.03 Changes in Project or Program. The permissible changes by the principal investigator in the approved project or program shall be limited to changes in methodology, approach or other aspects of the project or program to expedite achievement of the project's research objectives, including changes that grow out of the approved project and serve the best scientific strategy, provided that, as thus changed, the project still furthers the research of cancer and smoking diseases. Any other changes constitute a breach of the grant conditions. Any change in objectives of the approved application shall constitute a breach of the grant conditions unless first approved by the Director.

CONTRACTS FOR RESEARCH

007 DEFINITIONS - CONTRACTS FOR RESEARCH

007.01 Definitions. As used in these Regulations the following terms shall have the following meanings:

007.01A Cancer shall mean all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma and leukemia.

007.01B Smoking disease shall mean diseases whose causes are linked to smoking including, but not be limited to, cardiovascular, pulmonary, and gastrointestinal diseases.

007.01C Director shall mean the Director of Health.

007.01D Act shall mean Nebraska Revised Statutes sections 81-637 to 81-640.

007.01E Contract shall mean an agreement between the Department and the contractor in which in return for consideration of funding, the contractor shall carry out in a specified manner a specified project or program to further the research of cancer and smoking diseases.

007.01F Request for Proposals shall mean a Departmental solicitation to prospective offerors or contractors, under procedures for negotiated contract, to submit a contract proposal for research of cancer or smoking disease, or both.

007.01G Contractor shall mean the University of Nebraska or any other postsecondary institution having a college of medicine located in the State of Nebraska.

007.01H Contract application or proposal shall mean a written offer to enter into a contract for research of cancer or smoking disease, or both submitted to the Director by a contractor and including as a

minimum a description of the nature, purpose, duration, benefits and cost of the contract project and the methods personnel and facilities to be utilized in carrying it out, and meeting the other standards specified by these Regulations.

007.01J Principal investigator shall mean a single individual designated by the contractor in the contract proposal and approved by the Director, who is responsible for the scientific and technical direction of the contract project or program.

007.01J Contract project or program shall mean the particular activity, as described in the application approved by the Director or as modified through amendments approved by the Director, within the area of research of cancer or smoking disease which is supported by a contract award issued under these Regulations.

008 ELIGIBLE PROJECTS FOR CONTRACT FOR RESEARCH

008.01 Permissible Activities Within Projects Eligible projects shall consist of laboratory, clinical, population, behavioral, epidemiological, field, statistical, basic, applied or other types of investigations, studies or experiments or combinations thereof, and may either be limited to one, or a particular aspect of a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities and resources, providing the project as a whole meets the other standards established by these Regulations.

009 APPLICATION PROCESS FOR CONTRACT.

009.01 Submittal Deadline Notification. The University of Nebraska or any other postsecondary institution having a college of medicine located in the State of Nebraska shall be notified by the Director of a sixty-day period for the acceptance of proposals.

009.02 Notification shall be made by the Director to individuals who have submitted proposals during the two previous years, to the Systems Office of the University of Nebraska, appropriate colleges or departments of the University of Nebraska, all other postsecondary institutions having a college of medicine located in the State of Nebraska and appropriate colleges or departments of the same, and other individuals who indicate their interest.

009.03 Submitting Proposals. To be considered for funding, a contract proposal must be presented to the Director during a period which the Director has designated for accepting contract proposals on 8 1/2 x 11 inch white paper.

009.04 Content of Application. A contract proposal must include the following information at a minimum:

009.04A Must identify the prospective principal researcher and indicate said individual's affiliation with the University of Nebraska or other postsecondary institution having a college of medicine located in the State of Nebraska;

009.04B Must provide a summary of the proposal worded in non-technical language, except where technical terms cannot be avoided to convey intent;

009.04C Must provide an itemized list of all proposed expenditures to be made with the grant;

009.04D Must demonstrate the relevancy of the proposal to the furthering of cancer and smoking diseases research;

009.04E Must demonstrate the feasibility of the applicant's proposal;

009.04F Must demonstrate that the facilities, personnel, and expertise necessary to conduct the proposed work are available to the applicant;

009.04G Must provide evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research; and

009.04H Must provide a statement of hypothesis to be tested and an indepth discussion of the methodology to be employed in testing it.

009.05 Conduct of Review. The review of proposals shall be completed by the Director and notification concerning awards shall be made within one hundred eighty days of the application deadline.

010 EVALUATION AND DISPOSITION OF CONTRACT PROPOSALS OR APPLICATIONS

010.01 Evaluation. The Director when awarding contracts to the contractor pursuant to this Act shall consider the following criteria for contract projects or programs in order to receive funding:

010.01A The relevancy of the contract proposal to the furthering of research of cancer and smoking diseases;

010.01B The feasibility of the contract proposal;

010.01C The availability of other sources of funding for the contract proposal;

010.01D The facilities, personnel, and expertise available to applicant for use in the contract proposal;

010.01E Evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research; and

010.01F That the applicant is the University of Nebraska or any other postsecondary institution having a college of medicine located in the State of Nebraska.

011 CONTRACT AWARDS

011.01 General. Any contract funds awarded shall be expended solely for the purposes which the funds were awarded in accordance with the approved contract proposal or application and budget, these Regulations, and the terms and conditions of the contract award. The awarding of a contract is dependent upon the appropriation of adequate funds by the Legislature.

011.02 Notice of Contract Award. The notice of contract award specifies the length of the contract project period. The contract award will initially be for no more than one year and continuation contract awards will also be for no more than one year at a time. Funding of continuation contract awards shall be subject to the availability of funds and submission of a continuation contract proposal, provided that, the proposal meets the applicable criteria.

012 USE OF CONTRACT FUNDS

012.01 General. Contract funds may be utilized for the payment of the salaries of personnel participating in the contract project, but not for the payment of overhead. A progress report, including time and effort as well as other indicators, shall be submitted by a contractor after the contract has been in effect for a period of six months. If a progress report is not submitted, is submitted late, is incomplete, or indicates a lack of measurable progress, the transmittal of further contract funds may be suspended by the Director until corrective measures have been taken eliminating the deficiencies. Contract funds shall be subject to audit by the Department after the contract has been in effect for a period of six months and for each six months thereafter.

012.02 Delegation of Fiscal Responsibility. The contractor may not in whole or in part delegate or transfer to another responsibility for the use or expenditure of contract funds, but this does not prohibit or restrict a contractor from subcontracting for specific services. A contractor shall not subcontract for all necessary services with a single entity to implement

the contract project. ~~The contractor may not enter into any subcontract with any school or institution of learning not owned or exclusively controlled by the State of Nebraska or a political subdivision thereof.~~

012.03 Changes in Contract Project or Program. The permissible changes by the principal investigator in the approved contract project or program shall be limited to changes in methodology approach or other aspects of the contract project or program to expedite achievement of the contract project's research objectives, including changes that grow out of the approved contract project and serve the best scientific strategy, provided that, as thus changed, the project still furthers the research of cancer and smoking diseases. Any other changes constitute a breach of the contract. Any change in objectives of the approved application shall constitute a breach of the contract unless first approved by the Director.

SOURCE: Nebraska Revised Statutes
Sections 81-637 to 81-640

EFFECTIVE
7/2/11

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

183 NAC 4

TITLE 183 FINANCIAL ASSISTANCE

CHAPTER 4 LOAN REPAYMENT PROGRAM UNDER THE RURAL HEALTH SYSTEMS
AND PROFESSIONAL INCENTIVE ACT

4-001 SCOPE AND PURPOSE: These rules and regulations are promulgated under the authority of and in compliance with Neb. Rev. Stat. §§ 71-5650 to 71-5670, the Rural Health Systems and Professional Incentive Act. The purpose of these rules and regulations is to establish procedures for awarding loan repayment under the Act.

4-002 DEFINITIONS

Act means the Rural Health Systems and Professional Incentive Act.

Approved dental specialty means general practice, pediatric dentistry, and oral surgery.

Approved medical specialty means family practice, general practice, general internal medicine, general pediatrics, general surgery, obstetrics/gynecology, and psychiatry.

Commission means the Nebraska Rural Health Advisory Commission.

Department means the Department of Health and Human Services, Division of Public Health.

Health care means both somatic and mental health care services.

Rural means located within any county in Nebraska having a population of less than 15,000 inhabitants and not included within a metropolitan statistical area as defined by the United States Department of Commerce, Bureau of the Census.

4-003 ELIGIBILITY REQUIREMENTS: An individual, in order to be eligible for loan repayment, must:

1. Be a dentist, mental health practitioner, nurse practitioner, occupational therapist, pharmacist, physical therapist, physician, physician assistant, or psychologist. Dentists must practice an approved dental specialty. Nurse practitioners, physicians, and physician assistants must practice an approved medical specialty;
2. Be licensed to practice in the State of Nebraska;
3. Not be enrolled in a residency program for dentists or physicians;

4. Not be practicing with a provisional license;
5. Enter practice in a designated health profession shortage area in Nebraska;
6. Submit an individual application containing information specified by the Commission;
7. Have the community or local entity providing the local match submit an application containing information specified by the Commission; and
8. Sign an agreement with the State of Nebraska and the local entity providing the local match.

4-003.01 An individual applying for or receiving loan repayment may not act as the local entity for purposes of providing the local match or verifying the individual's practice during the practice obligation.

4-004 SELECTION PRIORITIES: In consideration of granting loan repayment, the Commission may prioritize applicants using as a minimum:

1. The severity of shortage in the area where the applicant is practicing;
2. The potential impact on the area if the applicant does not remain in practice; and
3. The educational debt burden of the applicant.

4-005 DESIGNATION OF HEALTH PROFESSION SHORTAGE AREAS: The Commission will designate an area as being a health profession shortage area if, in addition to the factors mentioned in the Act, the following two criteria are met:

1. The area is a rational area for the delivery of health care services; and
2. One of the following conditions prevails within the area:
 - a. The area's population-to-practitioner ratio exceeds the acceptable ratio set by the Commission; or
 - b. The area's population-to-practitioner ratio is within a range set by the Commission and the area has one or more high need indicators as set by the Commission.

4-006 APPLICATION PERIOD: Applications will be accepted throughout the year.

TABLE OF CONTENTS
TITLE 183, FINANCIAL ASSISTANCE
CHAPTER 5, NURSING STUDENT LOAN PROGRAM

<u>5-001</u>	SCOPE AND AUTHORITY	1
<u>5-002</u>	DEFINITIONS	1
<u>5-003</u>	FORMULA FOR PROPORTIONING LOANS TO PROGRAMS	2
<u>5-004</u>	LOAN QUALIFICATION CRITERIA	2
<u>5-005</u>	PROCEDURE FOR ISSUANCE OF LOANS	2
<u>5-006</u>	USE OF LOAN FUNDS	3
<u>5-007</u>	PROVISIONS FOR LOAN FORGIVENESS	3
<u>5-008</u>	CONDITIONS REQUIRING REPAYMENT OF LOAN	3
<u>5-009</u>	DEFAULT ON LOAN REPAYMENT – GROUNDS FOR DISCIPLINE OF LOAN RECIPIENT’S NURSING LICENSE	5

EFFECTIVE
03/05/02

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 5

TITLE 183 FINANCIAL ASSISTANCE

CHAPTER 5 NURSING STUDENT LOAN PROGRAM

5-001 SCOPE AND AUTHORITY: These regulations govern the Nursing Student Loan Program. The regulations are authorized by and implement the Nursing Student Loan Act, Neb. Rev. Stat. §§ 71-17,101 to 71-17,107.

5-002 DEFINITIONS

Act means the Nursing Student Loan Act.

Approved nursing program means a program offered by a public or private institution in this state:

1. Which consists of courses of instruction in regularly scheduled classes leading to a master of science degree, a bachelor of science degree, an associate degree, or a diploma in nursing; or
2. For the preparation for licensure as a licensed practical nurse; and
3. Available to regularly enrolled undergraduate or graduate students.

Department means the Department of Health and Human Services Regulation and Licensure.

Discontinuation of the practice of nursing means the recipient has not been engaged in full-time practice for more than 90 consecutive days.

Enrollment means the enrollment as reported to the Nebraska Board of Nursing in the most recent annual report.

Full-time practice means being engaged in the practice of nursing for a minimum of 36 hours per week.

Nontraditional student means a student who has not attended classes as a regular full-time student for at least three years.

One year of practice means the accumulation of 1,872 hours of nursing practice in Nebraska.

Practice of nursing has the definition found in Neb. Rev. Stat. § 71-1,132.05.

Residency in the State of Nebraska has the definition found in Neb. Rev. Stat. § 85-502.

Substantial financial need has the definition found in Neb. Rev. Stat. § 85-990.

5-003 FORMULA FOR PROPORTIONING LOANS TO PROGRAMS

5-003.01 The Department awards at least one loan to every approved nursing program, provided there is at least one student enrolled in the program and the program charges the student a fee to attend the program.

5-003.02 The remainder of the loans available in a given year is proportioned to the approved nursing programs by dividing the enrollment for each approved program by the total enrollment for all approved nursing programs. Each resulting percentage is applied to the total number of loans available to produce the number of loans awarded to each approved nursing program.

5-004 LOAN QUALIFICATION CRITERIA

5-004.01 To be considered for receipt of a loan under the Act, a student must:

1. Be enrolled in an approved nursing program;
2. Be a resident of Nebraska;
3. Intend to practice nursing in Nebraska;
4. Be motivated to practice in Nebraska; and
5. Have substantial financial need.

5-004.02 Each approved nursing program must develop a rating tool for selecting students to be recommended by the program to receive loans. Upon request, the program must submit the rating tool to the Department. The rating tool must include the student qualifications in 183 NAC 5-004.01.

5-005 PROCEDURE FOR ISSUANCE OF LOANS

5-005.01 The Department must notify all approved nursing programs of the number of loans to be awarded to each program and the date by which the program's recommendations for loan awards must be submitted to the Department. This notification must be sent no later than December 15, 2001 for loans to be awarded in FY 2001-02 and no later than July 15 commencing in 2002 for loans to be awarded in FY 2002-03 and subsequent years.

5-005.02 Each approved nursing program must submit to the Department within 30 days of the date of notification:

1. A list of students recommended to receive a \$1,000 loan from the Department for the current academic year; and
2. Loan agreements, as provided by the Department, signed by each student on the list. Terms of the agreement must include:
 - a. Agreement to engage in the practice of nursing in the State of Nebraska for the equivalent of one year of full-time practice for each year a loan is received;

EFFECTIVE
03/05/02

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 5

- b. Provisions specifying the conditions under which the loan must be repaid and the time frame for repayment;
- c. Provisions for reporting practice status to the Department; and
- d. Attestation that the student has not previously received a loan under the Act or if a loan was received, the total amount previously received.

5-005.03 Each approved nursing program is an agent of the Department for the distribution of the loans to qualified students.

5-006 USE OF LOAN FUNDS

5-006.01 Loan funds received under the Act must be used only for education expenses as set forth in Neb. Rev. Stat. § 85-985.

5-006.02 Loan funds must be used in the current academic year.

5-006.03 Each recipient may receive \$1,000 per academic year, not to exceed a total of \$2,000 per recipient.

5-006.04 The use of loan funds is subject to review by the Department.

5-006.05 The inappropriate use of loan funds places the loan in repayment status as set forth in 183 NAC 5-008.01.

5-007 PROVISIONS FOR LOAN FORGIVENESS

5-007.01 One Year of Practice: A \$1,000 loan issued under the Act is forgiven upon verification that the recipient has engaged in nursing practice in Nebraska for a total of 1,872 hours. There is no loan forgiveness for partial years of practice. For recipients of two \$1,000 loans, the second \$1,000 is forgiven upon verification of an additional 1,872 hours of nursing practice in Nebraska.

5-007.02 Verification of Practice: Verification of total hours of practice by the employer(s) or other qualified person(s) serves as the basis for determining that a recipient has met the requirement for loan forgiveness.

5-007.03 Confirmation of Loan Forgiveness: Confirmation of loan forgiveness is mailed to the recipient at his/her current address of record.

5-008 CONDITIONS REQUIRING REPAYMENT OF LOAN

5-008.01 Inappropriate Use of Loan Funds: If the nursing program or Department determines that a recipient has inappropriately used loan funds (see 183 NAC 5-006), the recipient must:

EFFECTIVE
03/05/02

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 5

1. Repay 100% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning on the date the inappropriate use of funds first occurred;
2. Commence repayment within six months after the date the inappropriate use first occurred; and
3. Complete repayment within the number of years for which loan(s) were awarded.

5-008.02 Discontinued Enrollment: Loan recipients must remain enrolled in the nursing program or repay the loan according to the terms in 183 NAC 5-008.02B.

5-008.02A Verification of Enrollment: To verify continued enrollment, the Department sends to each approved nursing program a quarterly request for verification of student status for each loan recipient. The program must respond to the request by verifying that each student:

1. Remains currently enrolled ;
2. Has completed the program and the date of completion; or,
3. Has discontinued enrollment and the date of discontinuance.

5-008.02B Repayment Terms: If a loan recipient discontinues the nursing program before completing the program, s/he must:

1. Repay 100% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning on the date of discontinuation of enrollment;
2. Commence repayment within six months after the date of discontinuation of enrollment; and
3. Complete repayment within the number of years for which loan(s) were awarded.

5-008.03 Discontinued Full-time Nursing Practice: The loan recipient must engage in full-time nursing practice for one year or the equivalent for each year a loan was received, or repay the loan(s) according to 183 NAC 5-008.03C.

5-008.03A Verification of Initial Practice: Upon initial engagement in nursing practice, the loan recipient must submit to the Department written verification signed by the employer or other qualified person(s) indicating the place of practice and that the recipient is engaged in full-time nursing practice in Nebraska. The recipient may have more than one employer or practice arrangement, but must engage in nursing practice a total of at least 36 hours per week. Verification of practice must be repeated each time the recipient changes or adds an employer or practice arrangement.

5-008.03B Verification of Continued Practice: The Department sends to each loan recipient a quarterly request for verification of practice status. The verification must

be signed by the recipient's employer(s) or other qualified person(s) and must indicate:

1. That the recipient continues to be engaged in full-time nursing practice in Nebraska; and
2. The total number of hours of practice in the previous quarter; or
3. That the recipient has left practice and the last date of practice.

5-008.03C Repayment Terms: If the recipient discontinues full-time nursing practice in Nebraska, the recipient must:

1. Repay 125% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning upon completion of the nursing program;
2. Commence repayment within six months after the discontinuation of nursing practice; and
3. Complete repayment within the number of years for which loan(s) were awarded.

Once the recipient enters the repayment period, the loan is no longer eligible for forgiveness.

5-008.03D Approved Leave: Leave approved by an employer, such as sick leave, maternity leave, vacation leave, leave for military service, jury duty, or family medical leave, regardless of whether the leave is paid or unpaid, does not place the loan in repayment status. Time accrued during approved leave does not count toward the total number of practice hours required for loan forgiveness.

5-008.03E Deferment for Advanced Study: If a recipient discontinues full-time nursing practice and enrolls in an approved nursing program to pursue an additional degree in nursing, the practice requirement is deferred until the recipient completes the additional degree or discontinues enrollment. Enrollment is verified quarterly as provided in 183 NAC 5-008.02A. The number of practice hours completed prior to enrollment is retained on file by the Department for the purposes of loan forgiveness at the time the recipient returns to full-time nursing practice.

5-009 DEFAULT ON LOAN REPAYMENT – GROUNDS FOR DISCIPLINE OF LOAN RECIPIENT'S NURSING LICENSE

Pursuant to Neb. Rev. Stat. § 71-148(22), failure to meet the repayment provisions for a loan received under the Act constitutes unprofessional conduct and is grounds for discipline of the recipient's nursing license.

TITLE 183, FINANCIAL ASSISTANCE

CHAPTER 6, NURSING FACULTY STUDENT LOAN PROGRAM

TABLE OF CONTENTS

<u>SECTION</u>	<u>SUBJECT</u>	<u>PAGE</u>
6-001	SCOPE AND AUTHORITY	1
6-002	DEFINITIONS	1
6-003	ALLOCATION OF LOANS TO NURSING EDUCATION PROGRAMS	2
6-004	LOAN QUALIFICATION CRITERIA	2
6-005	PROCEDURE FOR ISSUANCE OF LOANS	2
6-006	USE OF LOAN FUNDS	3
6-007	PROVISIONS FOR LOAN FORGIVENESS	3
6-008	CONDITIONS REQUIRING REPAYMENT OF LOAN	4
6-009	DEFAULT ON LOAN REPAYMENT – GROUNDS FOR DISCIPLINE OF LOAN RECIPIENT’S NURSING LICENSE	6

EFFECTIVE
5/13/06

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 6

TITLE 183 FINANCIAL ASSISTANCE

CHAPTER 6 NURSING FACULTY STUDENT LOAN PROGRAM

6-001 SCOPE AND AUTHORITY: These regulations govern the Nursing Faculty Student Loan Program. The regulations are authorized by and implement the Nursing Faculty Student Loan Act, Neb. Rev. Stat. §§ 71-17,108 to 71-17,116.

6-002 DEFINITIONS

Accredited masters or doctoral nursing program means a postgraduate nursing education program that has been accredited by a nationally recognized accrediting agency and offered by a public or private postsecondary educational institution in Nebraska.

Act means the Nursing Faculty Student Loan Act.

Approved nursing program means a program offered by a public or private postsecondary educational institution in Nebraska:

1. Which consists of courses of instruction in regularly scheduled classes leading to a master of science degree, a bachelor of science degree, an associate degree, or a diploma in nursing; or
2. For the preparation for licensure as a licensed practical nurse; and
3. Available to regularly enrolled undergraduate or graduate students.

Department means the Department of Health and Human Services Regulation and Licensure.

Discontinuation of full-time nursing instruction means more than 90 consecutive days have passed since the recipient has been engaged in full-time nursing instruction.

Educational expenses means tuition, fees, and books.

Enrollment means the program enrollment as reported to the Nebraska Board of Nursing in the most recent annual report.

Full-time nursing instruction means being engaged in nursing instruction full-time as defined by the employing institution(s).

Nursing instruction means employment by a Nebraska nursing education program that includes responsibility for one or more of the following: administration, curriculum, instruction, guidance and research.

Residency in the State of Nebraska has the definition found in Neb. Rev. Stat. § 85-502.

6-003 ALLOCATION OF LOANS TO NURSING EDUCATION PROGRAMS

6-003.01 The Department will annually award loans to qualified applicants as recommended by the program, based on availability of loan funds. When sufficient loan funds are available, the number of loans awarded to students in each accredited masters or doctoral nursing program will be distributed based on total graduate program enrollment expressed in full-time equivalencies.

6-004 LOAN QUALIFICATION CRITERIA

6-004.01 To be considered for receipt of a loan under the Act, a student must:

1. Be a resident of Nebraska;
2. Be enrolled in an accredited masters or doctoral nursing program in Nebraska;
3. Agree in writing to engage in nursing instruction in an approved nursing program for two years for each year a loan is received.

6-004.02 Each accredited masters or doctoral nursing program must develop criteria for selecting students to be recommended by the program to receive loans. Upon request, the program must submit the criteria to the Department. The criteria must include the student qualifications in 183 NAC 6-004.01.

6-004.03 Each accredited masters or doctoral nursing program must select students using the program criteria and recommend those students to the Department.

6-005 PROCEDURE FOR ISSUANCE OF LOANS

6-005.01 The Department will notify all accredited masters and doctoral nursing programs in Nebraska of the number of loans to be awarded to each program and the date by which the program's recommendations for loan awards must be submitted to the Department. This notification will be sent to the programs no later than 60 days prior to the deadline for recommendations to be submitted to the Department.

6-005.02 Each accredited masters and doctoral nursing program must submit to the Department within 30 days of the date of notification:

EFFECTIVE
5/13/06

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 6

1. A list of students recommended to receive a \$5,000 loan from the Department for the current academic year. The number of students to be included on the list will be included in the notification from the Department;
2. Verification of the academic one-year period for which the loan is to be awarded; and
3. Loan agreements, as provided by the Department, signed by each student on the list. Terms of the agreement must include:
 - a. Agreement to engage in full-time nursing instruction in an approved nursing program for two years for each year a loan is received;
 - b. Provisions specifying the conditions under which the loan must be repaid and the time frame for repayment;
 - c. Provisions for reporting employment in nursing instruction to the Department; and
 - d. Attestation that the student has not previously received a loan under the Act or if a loan was received, the total amount previously received.

6-005.03 Institutions which offer an accredited masters or doctoral nursing program may act as agents of the Department for the distribution of the loans to qualified students.

6-006 USE OF LOAN FUNDS

6-006.01 Loan funds received under the Act must be used only for educational expenses for an accredited masters or doctoral nursing program.

6-006.02 Loan funds must be used for the academic year specified by the academic program.

6-006.03 Each recipient may receive \$5,000 per academic year, not to exceed a total of \$15,000 per recipient.

6-006.04 The use of loan funds is subject to review by the Department.

6-006.05 The inappropriate use of loan funds places the loan in repayment status as set forth in 183 NAC 6-008.01.

6-007 PROVISIONS FOR LOAN FORGIVENESS

6-007.01 Two Years of Instruction: A \$5,000 loan issued under the Act is forgiven upon verification that the recipient has engaged in full-time nursing instruction in an approved nursing program in Nebraska for two academic years. There is no loan forgiveness for partial years of instruction. For recipients of a second \$5,000 loan, the second \$5,000 is forgiven upon verification of an additional two academic years of full-time nursing instruction. For recipients of a third \$5,000 loan, the third \$5,000 is forgiven upon verification of two more academic years of full-time nursing for a total of six academic years of full-time nursing instruction.

6.007.02 Verification of Instruction: Verification of full-time instruction by the employer(s) or other qualified person(s) serves as the basis for determining that a recipient has met the requirement for loan forgiveness.

6-007.03 Confirmation of Loan Forgiveness: Confirmation of loan forgiveness will be mailed to the recipient at his/her current address of record.

6-007.04 Taxable Income: When a loan has been forgiven pursuant to 183 NAC 6-007, the amount forgiven may be taxable income to the loan recipient, and the Department will provide notification of the amount forgiven to the loan recipient, the Nebraska Department of Revenue, and the Internal Revenue Service if required by the Internal Revenue Code as defined in Neb. Rev. Stat. § 49-801.01.

6-008 CONDITIONS REQUIRING REPAYMENT OF LOAN

6-008.01 Inappropriate Use of Loan Funds: If the nursing program or Department determines that a recipient has inappropriately used loan funds (see 183 NAC 6-006), the recipient must:

1. Repay 100% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning on the date the inappropriate use of funds first occurred;
2. Commence repayment within six months after the date the inappropriate use first occurred; and
3. Complete repayment within the number of years for which loan(s) were awarded.

6-008.02 Discontinued Enrollment: Loan recipients must remain enrolled in the accredited masters or doctoral nursing program or repay the loan according to the terms in 183 NAC 6-008.02B.

6-008.02A Verification of Enrollment: To verify continued enrollment, the Department will send to each accredited masters or doctoral nursing program a quarterly request for verification of student status for each loan recipient. The program must respond to the request by verifying that each student:

1. Remains currently enrolled;
2. Has completed the program and the date of completion; or,
3. Has discontinued enrollment and the date of discontinuance.

6-008.02B Repayment Terms: If a loan recipient discontinues the nursing program before completing the program, s/he must:

1. Repay 100% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning on the date the loan recipient signed the loan agreement;

2. Commence repayment within six months following the date of discontinuation of enrollment; and
3. Complete repayment within the number of years for which loan(s) were awarded.

6-008.03 Discontinuation of Full-Time Nursing Instruction: If, after a loan recipient graduates from the program for which the loan was received and before all of his or her loans are forgiven under the Act, s/he fails to begin or discontinues full-time nursing instruction pursuant to the loan agreement, the loan recipient must repay the loan(s) according to 183 NAC 6-008.03C.

6-008.03A Verification of Nursing Instruction: Upon engagement in nursing instruction following graduation from the program for which the loan was awarded, the loan recipient must submit to the Department written verification signed by the employer or other qualified person(s) indicating the institution of instruction and that the recipient is engaged in full-time nursing instruction in Nebraska. The recipient may have more than one employer or instruction arrangement, but must engage in nursing instruction for the equivalent of full-time instruction. Verification of instruction must be repeated each time the recipient changes or adds an employer or instruction arrangement.

6-008.03B Verification of Continued Instruction: The Department will send to each loan recipient a semi-annual request for verification of instruction status. The verification must be signed by the recipient's employer(s) or other qualified person(s) and must indicate:

1. That the recipient continues to be engaged in full-time nursing instruction in Nebraska; and
2. That the recipient was engaged in full-time nursing instruction during the previous six month period; or
3. That the recipient has left instruction and the last date of instruction.

6-008.03C Repayment Terms: If the recipient discontinues full-time nursing instruction in Nebraska, the recipient must:

1. Repay 125% of the outstanding loan principal with simple interest at a rate one point below the prime interest rate. Interest accrues beginning on the date the loan recipient signed the loan agreement;
2. Commence repayment within six months after the date of completion of the program or the date the loan recipient ceases full-time nursing instruction, whichever is later; and
3. Complete repayment within the number of years for which loan(s) were awarded.

Once the recipient enters the repayment period, the loan is no longer eligible for forgiveness.

EFFECTIVE
5/13/06

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

183 NAC 6

6-008.03D Approved Leave: Leave approved by an employer, such as sick leave, maternity leave, vacation leave, leave for military service, jury duty, or family medical leave, regardless of whether the leave is paid or unpaid, does not place the loan in repayment status. If the employer verifies that the loan recipient was on approved leave during all or a portion of an academic semester, that semester will not count toward instruction time required for loan forgiveness.

6-008.03E Deferment for Advanced Study: If, following graduation from the program for which a loan was received, a recipient discontinues full-time nursing instruction and enrolls in advanced study to pursue an additional degree in nursing, the instruction requirement is deferred until the recipient completes the additional degree or discontinues enrollment. Enrollment in the advanced study program will be verified quarterly as provided in 183 NAC 6-008.02A. The period of instruction completed prior to enrollment for advanced study will be retained on file by the Department for the purposes of loan forgiveness at the time the recipient returns to full-time nursing instruction.

6-009 DEFAULT ON LOAN REPAYMENT – GROUNDS FOR DISCIPLINE OF LOAN RECIPIENT'S NURSING LICENSE

Pursuant to Neb. Rev. Stat. § 71-148(22), failure to meet the repayment provisions for a loan received under the Act constitutes unprofessional conduct and is grounds for discipline of the recipient's nursing license.

Approved by the Attorney General
Approved by the Governor
Filed by the Secretary of State
Effective Date

March 15, 2006
May 8, 2006
May 8, 2006
May 13, 2006

TITLE 183, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 7

NEBRASKA DEPARTMENT OF HEALTH

RULES AND REGULATIONS GOVERNING GRANTS AND CONTRACTS FOR RESEARCH
TO THE UNIVERSITY OF NEBRASKA MEDICAL CENTER AND EPPLEY
INSTITUTE, AND OTHER POSTSECONDARY EDUCATIONAL INSTITUTIONS
HAVING COLLEGES OF MEDICINE

NEBRASKA ADMINISTRATIVE CODE

TITLE 183 - NEBRASKA DEPARTMENT OF HEALTH/FINANCIAL ASSISTANCE/REGULATIONS

CHAPTER 7 - RULES AND REGULATIONS GOVERNING GRANTS AND CONTRACTS FOR RESEARCH TO THE UNIVERSITY OF NEBRASKA MEDICAL CENTER AND EPPLEY INSTITUTE, AND OTHER POSTSECONDARY EDUCATIONAL INSTITUTIONS HAVING COLLEGES OF MEDICINE

ALPHABETICAL TABLE OF CONTENTS

<u>SUBJECT</u>	<u>STATUTORY AUTHORITY</u>	<u>CODE SECTION</u>
Content of Proposal	81-638(2)(3), 81-639 to 81-640.01	006
Definitions	81-637	002
Eligible Applicants	81-638(2)(3), 81-639 to 81-640.01	003
Progress Review and Evaluation of Research Grants and Contracts	81-638(2)(3), 81-639 to 81-640.01	007
Project Eligibility	81-638(2)(3), 81-639 to 81-640.01	004
Proposal Process	81-638(2)(3), 81-639 to 81-640.01	005
Scope of Regulations	77-2602, 81-638(2)(3), 81-639 to 81-640.01	001
Terms and Conditions of Grants and Contracts	81-638(2)(3), 81-639 to 81-640.01 48-1122, 48-1001 to 48-1010, 42 U.S.C. 12131	008

NEBRASKA ADMINISTRATIVE CODE

TITLE 183 - NEBRASKA DEPARTMENT OF HEALTH/FINANCIAL ASSISTANCE/
REGULATIONS

CHAPTER 7- RULES AND REGULATIONS GOVERNING GRANTS AND CONTRACTS FOR
RESEARCH TO THE UNIVERSITY OF NEBRASKA MEDICAL CENTER AND
EPPLEY INSTITUTE, AND OTHER POSTSECONDARY EDUCATIONAL
INSTITUTIONS HAVING COLLEGES OF MEDICINE

NUMERICAL TABLE OF CONTENTS

<u>CODE SECTION</u>	<u>STATUTORY AUTHORITY</u>	<u>SUBJECT</u>
001	77-2602, 81-638(2)(3), 81-639 to 81-640.01	Scope of Regulations
002	81-637	Definitions
003	81-638(2)(3), 81-639 to 81-640.01	Eligible Applicants
004	81-638(2)(3), 81-639 to 81-640.01	Project Eligibility
005	81-638(2)(3), 81-639 to 81-640.01	Proposal Process
006	81-638(2)(3), 81-639 to 81-640.01	Content of Proposal
007	81-638(2)(3), 81-639 to 81-640.01	Progress Review and Evaluation of Research Grants and Contracts
008	81-638(2)(3), 81-639 to 81-640.01 48-1122, 48-1001 to 48-1010, 42 U.S.C. 12131	Terms and Conditions of Grants and Contracts

NEBRASKA ADMINISTRATIVE CODE

TITLE 183 - NEBRASKA DEPARTMENT OF HEALTH/FINANCIAL ASSISTANCE/REGULATIONS

CHAPTER 7 - RULES AND REGULATIONS GOVERNING GRANTS AND CONTRACTS FOR RESEARCH TO THE UNIVERSITY OF NEBRASKA MEDICAL CENTER AND EPPLEY INSTITUTE, AND OTHER POSTSECONDARY EDUCATIONAL INSTITUTIONS HAVING COLLEGES OF MEDICINE

001 SCOPE OF REGULATIONS. These regulations govern grants and contracts for research on cancer and smoking diseases with the University of Nebraska Medical Center and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases and other postsecondary institutions having colleges of medicine located in the State of Nebraska to be funded with two cents of the cigarette tax imposed by Neb. Rev. Stat. Section 77-2602. The regulations implement Neb. Rev. Stat. Sections 81-637, 81-638(2)(3), and 81-639 to 81-640.01 by establishing (1) an application process for grants and contracts; (2) criteria for programs in order to receive funding; (3) criteria as to the rates and amounts of funding; and (4) other procedures necessary for the proper administration of the authorizing statutes.

002 DEFINITIONS. As used in these regulations, unless the context otherwise requires:

002.01 Cancer means all malignant neoplasm regardless of the tissue of origin, including malignant lymphoma and leukemia;

002.02 Department means the Nebraska Department of Health;

002.03 Director means the Director of Health;

002.04 Smoking disease means diseases whose causes are linked to smoking including, but not limited to, cardiovascular, pulmonary, and gastrointestinal diseases.

003 ELIGIBLE APPLICANTS. The following institutions are eligible to apply for contracts and grants.

003.01 The University of Nebraska Medical Center and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases; and

003.02 Other postsecondary educational institutions having colleges of medicine located in Nebraska which have cancer research programs for the purpose of conducting research in cancer and allied diseases.

004 PROJECT ELIGIBILITY. This section describes the categories and duration of projects which are eligible for funding. Joint projects by eligible applicants are encouraged to the extent practical and feasible in order to maximize the use of funds and strengthen existing cancer research programs and prevent duplication of research efforts.

004.01 The following categories of projects are eligible for funding:

004.01A Core facilities. This category is centralized shared resources and services which are less directly identified with the conduct of individual research projects. Core facilities must be used primarily by peer-reviewed projects which must have priority access to the core facilities. Core facilities cannot support research activities dedicated to one or a few project-specific functions.

Resources and services funded under this category must be closely connected to the conduct of the research. If the resources and services are not closely connected to the conduct of research, they must be highly specialized to the types of research described in the proposal, but such resources and services are eligible for funding only if they are not normally provided by the applicant to departments or other comparable organizational components of the institution.

004.01A1 Examples of resources and services which are closely connected to the conduct of the research include, but are not limited to:

- 004.01A1(a) Centralized shared equipment facilities;
- 004.01A1(b) Biostatistical services;
- 004.01A1(c) General and specialized animal colonies;
- 004.01A1(d) Radiation facilities and services;
- 004.01A1(e) Electron microscope facilities and services;
- 004.01A1(f) Histology and pathology services;
- 004.01A1(g) Cell and tissue culture;
- 004.01A1(h) Media preparation;
- 004.01A1(i) Specialized instrument shops;

- 004.01A1(j) Glassware washing;
- 004.01A1(k) Tumor procurement services;
- 004.01A1(l) Immunology or immunoparameters testing facilities, including monoclonal antibody preparation;
- 004.01A1(m) Nucleic acid sequencing/synthesis laboratories;
- 004.01A1(n) Chemical and drug synthesis laboratories;
- 004.01A1(o) Mass spectrometry laboratories;
- 004.01A1(p) Protein sequencing;
- 004.01A1(q) Protein and nucleic acid data bases and modeling;
- 004.01A1(r) Flow cytometry facilities;
- 004.01A1(s) Cell analysis facilities;
- 004.01A1(t) Peptide chemistry and synthesis laboratories;
- 004.01A1(u) Radioimmunoassay and receptor binder laboratories; and
- 004.01A1(v) Clinical cancer research data services.

004.01A2 Examples of resources and services which are highly specialized to the types of research described in the application include, but are not limited to:

- 004.01A2(a) Biosafety services;
- 004.01A2(b) Specialized research library services; and
- 004.01A2(c) Photography and illustration services.

004.01B Planning and evaluation. This category may include, but is not limited to, special meetings to identify cancer or smoking disease research opportunities, advisory committee meetings, and meetings to evaluate the effectiveness of the applicant's internal planning and evaluation activities, meetings to plan joint projects by eligible applicants, and institutional peer review.

004.01C Developmental. This category may include but is not limited to:

004.01C1 Recruitment of investigators for research;

004.01C2 Developing new shared resources (existing shared resources and those planned to begin in the first year of the project must be included in the shared resources and services project described in section 004.01A above);

004.01C3 Providing temporary interim support to highly productive and qualified investigators who have lost their peer-reviewed funding temporarily; and

004.01C4 Supporting enhancement of meritorious projects and pilot projects of relatively short duration depending on the nature of the research. Such projects may include laboratory, clinical research, population, behavioral, epidemiological, field, statistical basic, applied or other types of investigations, studies, or experiments, or any combinations of these.

004.02 The following are not eligible for funding.

004.02A Clinical trials (any human subject investigation that involves a drug or device and is conducted at multiple institutions); and

004.02B Projects which are funded under Neb. Rev. Stat. Section 81-638(1).

004.03 Project Duration. Projects may be for up to five years in length. Itemized budgets must be submitted for the overall project period and for each year of the project.

005 PROPOSAL PROCESS

005.01 Due Date. The Department shall give no more than sixty days notice to eligible applicants of the date proposals are due. Proposals shall be submitted no later than 5:00 p.m. on that date.

005.02 The Director of Health shall review each proposal and shall make the final decision for funding no later than 120 days after the application deadline.

005.03 Criteria for review. The Director of Health shall consider the following when awarding grants or contracts for cancer and smoking disease research:

005.03A The relevancy of the applicant's proposal to furthering research of cancer and smoking diseases;

005.03B The feasibility of the applicant's proposal;

005.03C The availability of other sources of funding for the applicant's proposal;

005.03D The facilities, personnel, and expertise available to the applicant for use in the proposal; and

005.03E Evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research.

005.04 Proposal Review. The Department shall evaluate the quality and completeness of the proposals which includes the following:

005.04A Department review to determine if required programmatic and fiscal components are described adequately. Additional materials may be requested by the Department.

005.04B An external review process that includes an on-site study panel which is composed of Department staff members and consultants selected by the Department.

005.04B1 Consultants are selected for their expertise and experience on peer and/or institutional review panels.

005.04B2 Consultants are selected from a pool of reviewers based on expertise needed for review of the applicant's research focus.

005.04B3 Consultants shall not have any direct affiliation with the applicants receiving funds from the Department. Consultants shall not have Any direct association with the Department, except in the capacity of reviewer for cancer research grants or contracts.

005.04B4 Applicants may submit names of suggested reviewers for the Department's external review consultants in advance of submission of proposals in order to permit the Department to expedite arrangements. Suggested reviewers should have expertise in medical and scientific research and should meet the criteria described in Subsections 005.04B1 to 005.04B3 above.

006 CONTENT OF PROPOSALS. Applicants shall submit proposals which provide sufficient information to the Department for scientific peer review of the proposals. The proposals must be for categories of projects which are described in Section 004 of these regulations. Proposals must include the following minimum information (Additional materials which the applicant determines will assist in review may be submitted.):

006.01 A proposal signed by an individual authorized by the governing body of the applicant to enter into legally binding obligations on its behalf, and signed by an individual authorized by the applicant to be the principal investigator.

006.02 An abstract. The abstract is intended to summarize only what is requested in the application. It should be no longer than two pages in length. It is not intended to highlight activities related to past accomplishments or activities in cancer or smoking disease related research.

006.03 Detailed table of contents.

006.04 A description of the applicant's cancer and smoking disease research activities, including:

006.04A A brief description of the applicant's facility and of the origin of the applicant's cancer and smoking disease research program, leadership, scientific research capability;

006.04B A description of the established research program which includes the following:

006.04B1 A description of the main scientific thrust of the program and a statement of its overall goals; and

006.04B2 A brief description of major research accomplishments and achievements of the program.

006.05 A description of the overall plan for the entire project period (for up to five years) and the goals the applicant desires to achieve, including a composite budget for the entire project period and summary budgets by program category.

006.06 A description of the organizational structure and management of the cancer and smoking disease research programs within the institution, i.e., lines of authority and accountability for the programs within the institution.

006.07 A description of the internal planning and evaluation process for the cancer research program which includes the following:

006.07A The responsibilities of the internal advisory, decision making and evaluative groups for purposes of planning, evaluation, and operational management of the program (e.g., executive committee, scientific review committee, etc.); and

006.07B Decision-making mechanisms for the cancer research program;

006.07C The process for review, if any, of the proposal by the applicant's external review consultants, including the names and institutional affiliation of the reviewers, method of selection of reviewers; and

006.07D Reports of the applicant's external consultants, if any.

006.08 For each project category as described in Section 004, the applicant must submit the following information:

006.08A A description of the organizational structure and management within the cancer and smoking disease research program, i.e., lines of authority and accountability for the activities within the project category;

006.08B Annual and overall project period budgets which describe itemized amounts for allowable budget items as described in Section 008;

006.08C A description of institutional commitment, including but not limited to, specific resources currently provided by the parent institution, such as facilities, financial support, personnel, equipment, and other forms of support which demonstrate the institution's commitment to the functional stability, continuing development and success of the cancer and smoking disease research program;

006.08D For the core facility category, submit a policy which ensures that the resources and services are used primarily by peer reviewed research projects and that such projects have priority in access to the resources and services; and

006.08E A detailed description of renovations and alterations to facilities which are directly related to the research, including a justification as to the need for the proposed renovations and alterations, and an itemized budget. Indicate the square footage involved giving the basis for the costs, such as an architect's or contractor's detailed estimate.

006.09 Identification of the principal investigator and senior leadership for each project category, together with attached curriculum vitae.

006.10 A list of research projects within the program, including the name and phone number of each project's principal investigator and total annual direct costs of each project.

006.11 The following policies must be adopted and in effect at the institution. The proposal must include an assurance of compliance with these policies.

006.11A Policy and procedures for the protection of human subjects;

006.11B Policy on patents and other intellectual property rights as they pertain to inventions or works resulting from funded research;

006.11C Policy and procedures to ensure the humane care and use of live vertebrate animals in research;

006.11D Policy on scientific misconduct by researchers;

006.11E Policy on biosafety of research facilities;

006.11F Policy on research using DNA and human genomes.

007 PROGRESS REVIEW AND EVALUATION OF RESEARCH GRANTS AND CONTRACTS.

007.01 The Department of Health shall evaluate the quality and progress of research performed after the award of a contract or grant through the following processes:

007.01A A review of the fiscal and progress reports submitted by applicants to the Department as required by subsections 008.05 through 008.07; and

007.01B On-site visits by Department staff members and consultants selected by the Department. On-site visits will be conducted every three to five years, or more frequently if conditions warrant. The Department will select consultants as described in subsection 005.04B.

008 TERMS AND CONDITIONS OF GRANTS OR CONTRACTS. Grants and contracts with eligible applicants are subject to the following terms and conditions. The applicant's proposal, any revisions to it approved by the Department, and the Department's notice of award constitute the grant or contract documents.

008.01 The award of grants and contracts is subject to appropriation by the Legislature and the availability of monies derived from two cents of the cigarette tax imposed by Neb. Rev. Stat. Section 77-2602 sufficient to fund the project. Unexpended balances are subject to the provisions of Neb. Rev. Stat. Section 81-138.01.

008.02 Any money appropriated for such grant or contract shall only be used for cancer and smoking disease research and shall not be used to support any other program in the institution.

008.03 Full and detailed reporting of the expenditure of all funds under the grant or contract is required. The report shall include, but not be limited to, separate accounting for personal services, equipment purchases or leases, and supplies. Such reports shall be made available to the Legislature; and

008.04 No money appropriated for such grant or contract shall be spent for travel, building construction, or any other purpose not directly related to the research that is the subject of the contract.

008.05 The grantee or contractor shall establish a separate account for the fiscal management of funds received and expended.

008.06 The grantee or contractor shall submit quarterly and annual financial reports to the Department of Health.

008.07 The grantee or contractor shall submit an annual progress report to the Department.

008.08 The grantee or contractor shall submit annual reports within ninety days from the end of the budget period and quarterly reports within thirty days of the end of the quarter.

008.09 The grantee or contractor is permitted to rebudget within and between budget categories of the approved annual budget for each project so long as a change in the budget does not change the project as described in the application;

008.10 Grant or contract funds are for the purpose of advancing research in cancer and smoking diseases. The following are allowable and unallowable costs:

008.10A Allowable Costs:

008.10A1 Salaries and fringe benefits of staff investigators, senior project leaders, or other staff directly involved in the research.

008.10A2 Salary for the principal investigator not to exceed 25% of the institutional annual base salary.

008.10A3 Equipment directly linked to the research.

008.10A4 Supplies, such as laboratory supplies and office supplies.

008.10A5 Services, such as dishwashing services, directly related to the research.

008.10A6 Consultants or subcontracts, except that the institution shall not subcontract for all necessary services with a single entity to implement the project.

008.10A7 Patient costs. If justified, charges for blood samples, X-rays, physical examinations, or comparable procedures are allowed for human subjects involved in the research.

008.10A8 Publication costs up to \$15,000 as described below:

008.10A8(a) The paper reports work supported by the grant or contract;

008.10A8(b) The charges are levied impartially on all papers published by the journal whether or not by government sponsored authors.

008.10A8(c) Other publication costs are allowable if the publication reports work supported by the grant or contract and if the costs of publication for the type of publication are routinely borne by the research institution.

008.10A9 Other operating expenses, such as postage, data processing, long distance phone calls required by the nature of the research, photocopying, correspondence, reports, obtaining samples.

008.10A10 Renovations and alterations directly related to the research.

008.10B Unallowable Costs:

008.10B1 Travel expenses.

008.10B2 Indirect costs or overhead expenses, such as rent, general administrative costs.

008.10B3 Building construction.

008.10B4 Direct patient treatment costs or costs of clinical trials.

008.10B5 Any other expenses not directly related to the research.

008.11 The (Contractor) (Grantee) and any of its subcontractors shall not discriminate against any employee or applicant for employment to be employed in the performance of the (contract) (grant) with respect to hire tenure, terms, conditions, or privileges of employment because of the race, color, religion, sex, age, disability or national origin of the employee or applicant.

The (Contractor) (Grantee) assures that it will comply as applicable with the Americans with Disabilities Act of 1990 and its implementing regulations.

008.12 The (Contractor) (Grantee) shall comply with Neb. Rev. Stat. Sections 81-638 to 81-640.01 and these regulations.

008.13 The (Contractor) (Grantee) shall have and maintain a Drug-Free Workplace Policy governing the conduct of its employees.

008.14 All publications supported by funds awarded under Neb. Rev. Stat. Sections 81-638(2)(3) and 81-639 to 640.01 and these regulations must bear an acknowledgment and disclaimer as appropriate, such as:

This publication (journal article, etc.) was supported by revenue from Nebraska cigarette taxes awarded to (name of Grantee or Contractor) by the Nebraska Department of Health. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the State of Nebraska or the Nebraska Department of Health.