



***Nevada Governor's Office of the Western Regional Education Compact
Nevada Western Interstate Commission for Higher Education (Nevada WICHE)***

Commission Meeting Minutes
May 6, 2020
2:00 p.m. - 3:00 p.m.

In Attendance:

Fred Lokken: Executive Commissioner, Nevada WICHE
Dr. Gillian Barclay: Nevada WICHE Commissioner
Dr. Thom Reilly: Nevada WICHE Commissioner
David Gardner: Senior Deputy Attorney General, Office of the Attorney General
Jennifer Ouellette: Nevada WICHE Director
Brian Mitchell: Director, Governor's Office of Science, Innovation and Technology (OSIT)

Guests: None

- 1. Call to order.** The meeting was called to order. This meeting was posted in accordance with *Nevada Revised Statute (NRS) 241*, Nevada's Open Meeting Law (OML).
- 2. Public Comment.** There was no public comment.
- 3. Discussion, recommendation, and action regarding proposed legislative changes to Nevada Revised Statutes (NRS) 397 for the 2021-2023 biennium.** Director Ouellette stated the previous strategic planning sessions identified the program as unnecessarily complex. The Commission has done a great job of making changes where they are able but in reviewing *Nevada Revised Statutes (NRS) 397*, many program policies are set in statute. As a result, the Commission does not have the ability to make important changes to the program.

Director Ouellette reviewed some of the highlights of NRS 397 that could use updating. She explained the language in the first 12 articles are the same in every state that participates in the compact. Director Ouellette indicated many of the provisions of NRS 397 limit the Commissioners ability to respond to program policy needs and delegate activities typically

performed by agency staff (in other states) to the Commissioners. This further complicates administration of the program.

As an example, NRS 397.060 states the three Commissioners shall certify the list of applicants to regional WICHE. The act of certifying the list means to compile a list of applicants, verify they are Nevada residents, and send the list to regional WICHE in Boulder, Colorado. This is something typically done by the Certifying Officer of the agency in other states and is an example of delegation to the Commission that is unusual.

Director Ouellette then referred to other more significant potential revisions:

- **NRS 397.615** requires 25% of the PSEP support fee be designated as a loan and the only way to change this is through modification to statute.
- **NRS 397.0617** describes the Health Care Access Program (HCAP) but is not named as such in the statute. She noted the section caps the service requirement to a maximum of two years, even if the program is supporting students for three-year students. The Commission had previously agreed a year-for-year funding to service ratio was preferable. She proceeded to discuss the default fees under this section of three times the principal support fee as another example that hinders the program. A penalty or default fee is necessary, but having the fee set in statute does not leave the program flexibility to change the fee if it is prohibitive in filling slots. Participants who default on the HCAP service requirement and are assessed the three times penalty generally ignore the obligation entirely and the account ends up in collections. Students also often turn down HCAP funding because of the default fee.
- **NRS 397.0653** sets the interest rate for individuals who fail to return to Nevada after graduation at 8 percent. Setting an interest rate in statute prohibits the program from adjusting to market conditions or increasing the fee for failing to return. As this specific rate is intended as a penalty, the Commission may desire to adjust penalties through regulation instead of statute as a way to enforce compliance from program participants.

Director Ouellette noted that moving these policy provisions from statute to regulation would be more efficient and give the program flexibility to update as necessary. She added the changes discussed will have a budgetary impact. Commissioner Reilly motioned to have the director begin working on a bill draft request to revise NRS 397. Commissioner Lokken seconded. With no further discussion, Commissioner Lokken called for a vote to have the director begin work on a bill draft request to revise NRS 397. All voted aye and the motion carried unanimously.

4. **Discussion regarding organizational name change from Nevada WICHE to the Health Care Access Program or the Health Care Education Access Program.** As discussed during the strategic planning sessions, the WICHE name belongs to the non-profit entity based in Boulder, Colorado, that operates the compact across 16 western states and territories. The Commission

had previously approved changing the name of the organization to the Health Care Access Program (HCAP). Director Ouellette noted the Commission may want to review the Health Care Access Program (HCAP) name. The program does not provide access to health care, but rather provides access to education in health care fields. Commissioner Reilly expressed support of removing the word 'access'. Commissioner Lokken recommended they should add the word 'education'. A discussion ensued regarding options to rename the organization. Commissioner Barclay noted the difference between health care and health, stating there are other important health related fields such as public health. Public health includes epidemiologists, data scientists and testing specialists. Health care is defined in more clinical terms such as nurses. Director Mitchell recommended that the "C" in HCAP be eliminated and renamed to Health Education Access Program (HEAP); or Health Profession Education Program (HPEP). Commissioner Barclay supported renaming the organization to HPEP as it includes all health professions. Commissioner Barclay made a motion to accept the Health Profession Education Program (HPEP) as the new name; seconded by Commissioner Reilly. Commissioner Lokken called for the vote. All voted aye and the motion passed unanimously.

- 5. Discussion regarding organizational and operational structure for the newly named organization beginning in the 2021-2023 biennium.** Director Ouellette explained that if the requests to phase out of the WICHE PSEP and invest more in the State of Nevada HPEP are approved by the Governor and the Legislature in 2021, many program elements will remain the same. The Commissioners will remain Commissioners, continue attending regional meetings with other professionals across the western US, continue paying WICHE dues, participate in WICHE programs such as the Western Undergraduate Exchange (WUE) and the Western Regional Graduate Program (WRGP), and remain in the Western Regional Education Compact. The PSEP will remain as part of the budget until all existing PSEP students graduate. As the investment in the HPEP grows, the Commission may wish to consider a new operating structure to simplify the program.

Items for consideration to simplify the program going forward include the frequency of commission meetings, the amount and type of staff required to operate the program, the reporting structure and whether or not the program operates as a program under a larger organization such as NSHE or as its own agency. These issues have been discussed during the strategic planning sessions; Director Ouellette encouraged the Commission to provide any additional feedback on their preferred structure. Commissioner Lokken stated the evolution the Commission is taking is a good one. Commissioner Reilly agreed that moving the HPEP under NSHE was reasonable.

Commissioner Lokken agreed and discussed the upcoming regional WICHE meeting. He stated there have been important topics under discussion such as COVID and cybersecurity. Commissioner Lokken believes the relationships are broadening and other responsibilities to the Commission may appear. Commissioner Barclay pointed out the potential of working with other states and addressing issues such as tertiary education. Relationships with other states

can enhance regional capacity in clinical testing and may shift some of their focus to the broader regional agenda. Commissioner Lokken stated that they have not participated in WICHE grants so there are opportunities for continued WICHE work.

This item was for discussion only; no motion was made.

- 6. Student Request - Karen Von Deneen.** Director Ouellette presented a brief overview of Ms. Von Deneen's history with WICHE. Ms. Von Deneen received four years of PSEP support for her veterinary medicine studies and graduated in 2004. She then went on to obtain her PhD in 2009 from the University of Florida. Since that time, she has been working at a University in China for the last 10 years and referring to the role as continuing education. Director Ouellette invited Ms. Von Deneen to explain her request to the Commission.

Ms. Von Deneen stated she was in a post doctorate mentored position at Xidian (SHE-DE-IN) University in China. She stated that she has been submitting letters requesting extensions to her Nevada service requirement every three years because she had not finished her research. She noted the agency has been giving permission for her continuing education over the last 10 years and it is difficult to imagine why the Commission would change now. She noted the Commission is very familiar with the work involved in graduate and post doctorate requirements - it takes years to start a project from beginning to publication. Ms. Von Deneen explained when she pursued her PhD in Florida she was told she had to go to China to finish her PhD. She confirmed she has been in a post-doctoral program for 11 years and also studying alternative medicine. Commissioner Barclay inquired as to her official title at the University of Florida and Xidian University. Ms. Von Deneen explained at the University of Florida she was a PhD and an Associate Post Doctorate in China. She clarified that she worked as an unpaid collaborator and does not have an official title at the University of Florida. Commissioner Barclay asked if she had published any peer reviewed literature with either university. Ms. Von Deneen confirmed she had. Commissioner Barclay again asked what Ms. Von Deenan's title was at each university. Ms. Von Deenan said she has no title at either institution.

Director Ouellette stated Ms. Von Deneen had signed contracts with Nevada WICHE when she accepted funding for her veterinary medicine studies between 2000 and 2004 to either return to Nevada and work in the state for four years or repay the funding plus accrued interest. Director Ouellette noted the Commission does not typically extend a service requirement for 16 years and her grant has been converted to a loan. Director Ouellette noted Ms. Von Deneen's extension should have been brought to the Commission or converted to a loan 10 earlier; since previous staff failed to do this accrued interest on Ms. Von Deneen's conversion loan was suspended from 2010 to present. Ms. Von Deneen stated that had her original extension request to study in China not been approved, she would have come back, but every request had been approved. A discussion ensued regarding the conversion payment amount of \$1,300 per month and Ms. Von Deneen's assertion she only earns \$20,000 a year. Director Ouellette indicated the Commission could entertain the notion of arranging graduated

repayments. Ms. Von Deneen explained her efforts to obtain employment in the U.S., but her specialty is unique and many universities are not hiring. She also does not have a license to practice veterinary medicine. Ms. Von Deneen offered to pay the principal of \$66,525 in full. Director Ouellette advised the Commission that Ms. Von Deneen's request would waive accrued interest totaling \$41,900 between 2000 and 2010. Deputy Attorney General Gardner explained that the commission has the authority to accept either the principal payment of \$65,525 or the full amount due of \$108,396.50 or other alternatives.

Commissioner Lokken noted that Ms. Von Deneen's request for an extension was never brought before the Commission and should have been. Commissioner Reilly indicated he was not in favor of another extension of time and he supported a lump sum payment of the principal. Commissioner Lokken made a motion that the Commission accept Ms. Von Deneen's offer of one lump sum payment in the amount of \$66,525 representing the principal amount no later than January 31, 2021. Commissioner Barclay also supported the offer. Commissioner Reilly seconded the motion. Deputy Attorney General Gardner asked that the motion 'defer' the loan amount until January 31, 2021 and if payment is not received, the loan reverts to the principal and interest amount of \$108,396.50 on February 1, 2021. With no further discussion, Commissioner Lokken called for a vote on the amended motion to defer to January 31, 2021, Ms. Von Deneen's loan of \$66,525 and if payment is not received in full, the loan amount reverts back to the principal and interest amount of \$108,396.50 on February 1, 2021. All voted aye in favor of the amended motion and the motion carried.

7. Public Comment. There was no public comment.

8. Adjournment. With no further business, the meeting was adjourned.