



August 8, 2022

Acting Assistant Secretary Michelle Asha Cooper
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

RE: Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program Proposed Rule [Docket ID ED-2021-OPE-0077]

Dear Acting Assistant Secretary Cooper,

The American Association of Colleges of Nursing (AACN) welcomes the opportunity to offer the following comments regarding your office's proposed rulemaking covering Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program. As the national voice for academic nursing, AACN works to establish quality standards for nursing education; assists schools in implementing those standards; influences the nursing profession to improve health care; and promotes public support for professional nursing education, research, and practice. AACN represents more than 850 schools of nursing offering a mix of baccalaureate, graduate, and post-graduate programs at public and private universities nationwide. These institutions enroll more than 565,000 nursing students and employ more than 52,000 faculty members.¹

AACN has a vested interest in improving our nation's health and health care. For over five decades, the association has championed professional nursing education to ensure that Registered Nurses (RN) and Advanced Practice Registered Nurses (APRN); including nurse practitioners, certified nurse-midwives, certified registered nurse anesthetists, and clinical nurse specialists; are prepared to provide evidence-based, cost effective, and high-quality care. Within AACN member schools, more than 120,000 nursing students are currently enrolled in APRN programs and will serve as our nation's next generation of expert providers.²

In our work to address current and future public health challenges, access to nursing care is essential and ensuring a strong nursing pipeline is crucial. Below are AACN's comments on the Department of Education's proposed rule concerning Student Assistance General Provisions with recommendations on regulations the Administration should continue to implement for the betterment of our nation's health care and workforce. We appreciate your leadership to investigate these challenges and the opportunity to work with you and your colleagues to address them.

Borrower's Defense

Section: 455(h); 685.206, 685.222

AACN commends the Department of Education for proposing the establishment of a new, long overdue Federal standard for the initial adjudication of a borrower defense claim. This standard

¹ About the American Association of Colleges of Nursing. Retrieved from: <https://www.aacnnursing.org/About-AACN>

² 2021-2022 Enrollments and Graduations in Baccalaureate and Graduate Programs in Nursing. Washington, DC: American Association of Colleges of Nursing.

would make it easier for borrowers and affected parties to understand and clarify the conduct that could result in an approved borrower defense claim. The proposed rulemaking mentioned the Corinthian College default where many nursing students felt the repercussions, as the institution was engaging in substantial misrepresentations, substantial omissions of fact, breached a loan contract, as well as potential aggressive recruitment.

In 2007, the Senate Health, Education, Labor, and Pensions (HELP) Committee complied a report addressing these same issues, with 30 nursing programs identified, including Corinthian College³. Based on these findings, Corinthian College had the highest surveyed price of tuition, surpassing the second highest school (ITT Technical Institute) by 17 percent and noted that recruiters were trained to deflect all “cost questions” from students. As the Department of Education mentioned in the proposed regulations to expand and improve the targeted relief programs, “a borrower defense discharge would occur when the Department determines an institution engaged in substantial misrepresentations or substantial omissions of fact, breached a loan contract. . . . Proposed changes governing borrower defense charges are designed to further protect student loan borrowers from the financial effects of certain predatory practices”⁴.

AACN applauds the Department’s proposed regulations creating a new standard for both for-profit and nonprofit institutions. Holding all colleges and universities to the same guidelines will help decrease the number of institutions harming nursing students by engaging in predatory practices.

**Public Service Loan Forgiveness (PSLF)
Section: 455(m), 685.219, 682.414(b)**

The Public Service Loan Forgiveness (PSLF) program allows borrowers to have a portion of their debt forgiven, making repayment processes less burdensome. Data from the Department of Education showed that the majority of those who applied for PSLF were rejected between 2020 and 2021⁵. According to the U.S. Government Accountability Office, one of the primary reasons the program is seeing low enrollment is because borrowers are not receiving sufficient information on PSLF from the Department of Education⁶. As mentioned in the proposed changes in regulations governing the PSLF, transparency between borrowers and employers would enhance and ensure that the intent of the program is being fulfilled, thus encouraging more borrowers to work within public service.

According to data collected by AACN, the highest debt range for borrowers interested in PSLF was between \$40,000-69,999, which is also the most common debt range for graduate students⁷. Clearly, many nursing program graduates could benefit from loan forgiveness available through the PSLF. A 2017 AACN graduate nursing survey found that 57 percent of nursing students planned to utilize this program upon graduation, while 69 percent of students took out federal student loans⁸. The biggest concern borrowers had related to loan repayment was whether they would be able to afford monthly student loan payments once the grace period ended. Under the

³ U.S. Health Education Labor and Pension Committee, (2007) For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success
https://www.help.senate.gov/imo/media/for_profit_report/Contents.pdf

⁴U.S. Department of Education, Borrower Defense to Repayment, Arbitration, and Class Action Waivers, (2022)
<https://www.federalregister.gov/d/2022-14631/p-17>

⁵ Federal Student Aid, Office of the U.S. Department of Education, Public Service Loan Forgiveness Data, from
<https://studentaid.gov/data-center/student/loan-forgiveness/pslf-data>

⁶ Government Accountability Office. (2015). Federal Student Loans: Education could do more to help ensure borrowers are aware of repayment and forgiveness options. <http://www.gao.gov/products/GAO-15-663>

⁷ American Association of Colleges of Nursing. (2016). *Graduate Nursing Student Loan Survey Analysis*

⁸ American Association of Colleges of Nursing (2017) *Graduate Nursing Student Debt by the Numbers*

proposed regulations, borrowers would have more chances to have forgiveness based on payments made in multiple installments or outside of the grace period in current regulations.

AACN is thrilled that the Department of Education is making profound changes to PSLF. As mentioned in the proposed rulemaking, changes in definitions will provide an increased amount of certainty, simplicity, and clarity to the borrowers and employers. Data has shown that this program needs to be reinvented, especially for the nursing workforce, as this program provides significant benefits for all communities, especially those in rural and underserved areas.

Total and Permanent Disability Discharges (TPD)
Sections: 437(a)(1), 464(c)(1)(F), 674.61, 682.402, 685.213

AACN strongly concurs with the Department of Education proposal to expand the allowable documentation that can be submitted by healthcare providers, such as nurse practitioners. Expanding the list of health professionals eligible to certify an individual's total and permanent disability will significantly help to address the cost of ongoing disability evaluations, therefore decreasing the administrative burden of the Department of Education.

The demand for nurses is growing faster than average for all occupations, with the Bureau of Labor Statistics projecting the need for RNs to increase 7% and for APRNs to increase 45% by 2029, given the need for an additional 221,900 jobs⁹. AACN fully supports allowing all providers to practice to the full extent of their education and training. This corresponds to the National Academies of Sciences, Engineering, and Medicine, *The Future of Nursing 2020-2030: Charting a Path to Achieve Health Equity* recommendation stating:

Conclusion 3-2: Eliminating restrictions on the scope of practice of advanced practice registered nurses and registered nurses so they can practice to the full extent of their education and training will increase the types and amount of high-quality health care services that can be provided to those with complex health and social needs and improve both access to care and health equity¹⁰.

This expansion of the list of health professionals able to certify TPD is consistent with the *Improving Access to Workers Compensation for Injured Federal Workers Act* (H.R. 6087), which recently passed in the House of Representatives with overwhelming bipartisan support¹¹. Whereas the Federal Employees Compensation Act (FECA) contains an outdated requirement that only a physician can certify the extent of disability and oversee the care of an injured federal worker. This bill removes barriers that limit an NP's ability to provide care to federal employees who are injured within their employment. According to the American Association of Nurse Practitioners (AANP), the Social Security Administration includes NPs in the definition of "accepted medical sources" which can certify medical determinable impairment¹². As such, AACN encourages finalization of the proposal to allow NPs to certify that a borrower is totally and permanently disabled.

Closed School Discharge

⁹ U.S. Bureau of Labor Statistics. (2021). Occupational Outlook Handbook- Registered Nurses. Retrieved from: <https://www.bls.gov/ooh/healthcare/registered-nurses.htm>

¹⁰ National Academies of Sciences, Engineering, and Medicine. 2021. *The Future of Nursing 2020-2030: Charting a Path to Achieve Health Equity*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25982>

¹¹ Congressional Budget Office. H.R. 6087, *Improving Access to Workers' Compensation for Injured Federal Workers Act of 2022*. Retrieved from: <https://www.cbo.gov/publication/58077>

¹² AANP: Federal Priorities, 2022 <https://storage.aanp.org/www/documents/advocacy/AANP-Federal-Policy-Priorities.pdf>

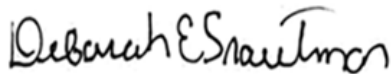
Sections: 674.33(g), 682.402(d), 685.214

AACN applauds the Department of Education for recognizing the predatory practices that have taken place within institutions of higher education. As we have learned from the extended closed school discharge from ITT Technical Institute, the institution failed to publicly note the financial state to borrowers while encouraging the idea of taking out private loans based on misleading information and unaffordable terms¹³. These private loans were portrayed as grant aid from the institution. Borrowers within this program were not able to complete their program, and, as of January 2021, this affected over 565,000 borrowers.

The proposed changes would bring greater transparency and clarity with overall improvement of the administration of Federal Student Financial Aid Programs. The added protections for students, participating institutions, and taxpayers will establish significant benefits and stronger accountability. This action will help to ensure that institutions engaged in predatory practices will be held accountable for their actions. AACN supports the change in discharge provisions as a means of ensuring nursing pathways remain strong and lead to improvements in nursing education, workforce diversity, and retention so all can have access to quality care services.

Thank you for your consideration of AACN's comments on this proposed rulemaking. This regulatory focus is timely, essential, and critical to improving our health system's efficiency, safety, and accountability. Please consider AACN an ally in this endeavor. If our organization can be of any assistance, please contact AACN's Director of Policy, Dr. Colleen Leners at cleners@aacnnursing.org.

Sincerely,



Deborah Trautman, PhD, RN, FAAN
President and Chief Executive Officer

¹³ U.S. Department of Education (2021). Extended Closed School Discharge Will Provide \$115K Borrowers from ITT More than \$1.1B in Loan Forgiveness. Retrieved from: <https://www.ed.gov/news/press-releases/extended-closed-school-discharge-will-provide-115k-borrowers-itt-technical-institute-more-11b-loan-forgiveness>