

## CHAPTER 95

## ( HB 398 )

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 40.300 is amended to read as follows:

- (1) There is created the Department of Veterans' Affairs, which shall be attached to the Office of the Governor for administrative purposes. Notwithstanding KRS 12.028, the department's status as a separate organizational unit attached to the Office of the Governor shall not be changed except by action of the General Assembly. The department shall be headed by a commissioner appointed by the Governor pursuant to KRS 12.040. The Office of the Commissioner is created within the department.
- (2) The Department of Veterans' Affairs shall include the Governor's Advisory Board for Veterans' Affairs established by KRS 40.305.
- (3) The Department of Veterans' Affairs shall be responsible for providing services to veterans in accordance with KRS 40.310 and KRS 40.320 to 40.335.
- (4) *There is created the Office of Veteran Legal Services within the Office of the Commissioner. The office shall be headed by an executive director appointed pursuant to KRS 12.050 who shall report to the commissioner of the Department of Veterans' Affairs.*
- (5) *There is created the Office of Kentucky Veterans' Services within the Office of the Commissioner. The office shall be headed by an executive director appointed pursuant to KRS 12.050 who shall report to the commissioner of the Department of Veterans' Affairs.*

➔Section 2. KRS 40.325 is amended to read as follows:

- (1) As used in this section, "nurse aide" means an individual who has successfully completed the nurse aide training and competency evaluation program and may include a nursing student, medication aide, or a person employed through a nursing pool who provides nursing or nursing-related services to a resident in a nursing facility, excluding:
  - (a) An individual who is a licensed health professional;
  - (b) A volunteer who provides the nursing or nursing-related services without monetary compensation; or
  - (c) A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services.
- (2) There shall be established and maintained in the Commonwealth of Kentucky state veterans' nursing homes to provide long-term care to veterans who are residents of Kentucky.
- (3) There is created the Office of Kentucky Veterans' Centers *within the Office of the Commissioner of* ~~within~~ the Department of Veterans' Affairs. The office shall be headed by an executive director appointed pursuant to KRS 12.050. The office shall operate the Kentucky state veterans' *centers and medical division* ~~nursing homes~~. The Department of Veterans' Affairs may promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations.
- (4) The Department of Veterans' Affairs may seek federal and private funding for the construction or renovation, and operation of Kentucky state veterans' nursing homes.
- (5) The executive director of the Office of Kentucky Veterans' Centers, with the approval of the commissioner of the Department of Veterans' Affairs, may contract to hire licensed nurses and nurse aides in order to provide needed long-term care of veterans in residence at state veterans' nursing homes, and those contracts shall not be subject to KRS 45A.550 to 45A.554 or 45A.690 to 45A.725.

➔Section 3. The General Assembly hereby confirms Executive Order 2020-823, dated September 28, 2020, relating to the reorganization of the Department of Veterans' Affairs, to the extent it is not otherwise confirmed or superseded by this Act.

**Signed by Governor March 23, 2021.**

