

**OFFICE OF THE GOVERNOR**  
**Department of Veterans Affairs**  
**Office of Kentucky Veterans Services**  
**(Amendment)**

**17 KAR 3:020. Charges for room and board, goods, and services at state veterans' nursing homes.**

RELATES TO: KRS 40.320, 40.325, 38 U.S.C. 1745(a)

STATUTORY AUTHORITY: KRS 40.325(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 identifies the Commonwealth's duty to provide for the well-being of elderly and disabled veterans within state veterans' nursing homes. KRS 40.325(2) authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations. This administrative regulation establishes the methodology for establishing charges for room and board, goods and services at state veterans' nursing homes.

**Section 1. Definitions.**

(1) "Ancillary services" means services for which a separate charge is customarily made. Ancillary services include, for example, physical therapy, occupational therapy, speech therapy, laboratory procedures, x-ray services, oxygen services, optometry services, podiatry services, dentist services, audiology services, and pharmacy goods and services.

(2) "Non-routine goods or services" mean those that are directly identifiable with an individual resident and which are not customarily intended for use by all residents including such things as transportation, special activities, cable television services, pay-per-view channels, private or personal phone service, hospitalization, ambulance services, hearing aids, dentures, cosmetology or beautician services (other than basic haircuts), orthotic devices, and specialty care and equipment.

(3) "Nursing facility" means a state veterans' home (SVH) operated by the Kentucky Department of Veterans Affairs.

(4) "Private pay" means residents who pay for their nursing home care out of personal funds.

(5) "Private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center or small house design requirements, VHA Handbook, Section 1142.01, and does not have a roommate.

(6) "Resident" means a Kentucky veteran admitted to a state veterans' nursing facility.

(7) "Room and board" means the room, dietary services, social services, nursing services, basic laundry services, the use of equipment and facilities, and routine medical and surgical supplies.

(8) "Routine goods or services" mean those which are not identifiable to a particular individual but which are used by all residents.

(9) "Semi-private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center requirements, VHA Handbook, 1142.01, and does have a roommate.

(10) "Suite" means a private suite with a private bathroom including a shower that was built in with the federal VA's community living center or small house design requirements, VHA Handbook, Section 1142.01, or Small House Model design guide.

**Section 2. Charges at State Veterans Nursing Homes.**

(1) The private pay rate for room and board at a state veterans' nursing facility shall be established by each facility based on the total cost of care, community rates and available

revenue sources. Any change to a facility's charges for room and board, goods, and/or services will require advance notification in accordance with 42 C.F.R. Part 483, Subpart B- 483.10(g)(18)(ii). There will be a separate and distinct charge for a semi-private room, a private room, and a suite.

(2) The total monthly charge for a private pay resident shall be:

- (a) The applicable private pay rate for room and board;
- (b) Any charge for non-routine goods or services; and
- (c) Any charge for ancillary services.

### Section 3. Computation of Room and Board Charges.

(1) The monthly charge (personal liability as indicated on the MAP-552) for a Medicaid qualified resident shall be established by the Kentucky Department of Medicaid services in with 907 KAR 1:006. All items and services considered by the Medicaid program to be non-covered as defined in 907 KAR 1:022, that were provided to Medicaid residents during any period of a covered stay, may be billed to the resident or another payer.

(2) If a veteran meets the requirements established in 38 U.S.C. 1745(a) for a service-connected disability, the veteran shall not be charged for any room and board, goods, or services.

(3) The monthly charge for a Medicare recipient qualifying for skilled services shall be the applicable co-payments as established by the Centers for Medicare and Medicaid services in 42 C.F.R. Part 413.

(4) A late fee of six (6) percent per annum may be assessed on any unpaid balances.

### Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) U.S. Department of Veterans Affairs, "VHA Handbook, Section 1142.01", August 13, 2008; and
- (b) U.S. Department of Veterans Affairs, "Small House Model design guide", January 2017.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Kentucky Veterans Centers, Kentucky Department of Veterans Affairs, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

*This is to certify that the Executive Director of the Office of Kentucky Veterans Centers and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).*

*MARK BOWMAN, Executive Director*

*WHITNEY ALLEN, Commissioner*

*TAMARA REID-MCINTOSH, Esq., Executive Director & Counsel*

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 13, 2022 at 3:05 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, February 23, 2023, at 11:00 a.m. Eastern Time at KDVA Headquarters Office, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you

do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through Tuesday, February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Tamara Reid-McIntosh, Esq., Executive Director & Counsel, Office of Veteran Legal Services, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5723; fax (502) 564.9240; email [tamara.reidmcintosh@ky.gov](mailto:tamara.reidmcintosh@ky.gov).