

**OFFICE OF THE GOVERNOR**  
**Department of Veterans Affairs**  
**Office of Kentucky Veterans Centers**  
**(Amended After Comments)**

**17 KAR 3:042. Eligibility requirements to state veterans' nursing homes.**

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

STATUTORY AUTHORITY: KRS 40.325(2)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 authorizes 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 eligibility requirements and monthly charges for admission into state veterans' nursing homes.

Section 1. Eligibility Requirements.

(1) Except as provided in subsection (2) of this section, to be admitted to a Kentucky Veterans' Center, the person shall:

- (a) Be a veteran;
- (b) Be disabled by reason of disease, wounds, age, or otherwise be in need of nursing care;
- (c) Be a Kentucky resident as of the date of admission to a Kentucky Veterans' Center; and
- (d) Have a military discharge that is not of a dishonorable nature.

(2) A person shall not be eligible for admission if the person~~;~~

~~[(a)] [Has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others;]~~

~~[(b)] [Is ventilator dependent; or]~~

~~[(c)] [has needs that cannot be met by the Veterans' Center.]~~

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

*MARK BOWMAN, Executive Director*

*WHITNEY ALLEN, Commissioner*

*LILY CHAN PATTESON, Executive Director and General Counsel*

APPROVED BY AGENCY: June 11, 2025

FILED WITH LRC: June 12, 2025 at 3:38 p.m.

CONTACT PERSON: Juan Renaud, Deputy Commissioner, Office of the Commissioner, or Mark Bowman, Executive Director, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5721 or (502) 564.9203; fax (502) 564.9240; email Juan.Renaud@ky.gov or Mark.Bowman@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person: Juan Renaud or Mark Bowman**

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation clarifies who is eligible for admission to the Commonwealth's Veteran Centers.

**(b) The necessity of this administrative regulation:**

The administrative regulation ensures that veterans of the Commonwealth understand eligibility requirements when they seek admissions to one of the Commonwealth's Veteran Centers.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This administrative regulation conforms to the content of the authorizing statutes by acknowledging KDVA's responsibility to operate the Commonwealth's five Veteran Centers and determine which veterans are eligible for admission to those Centers.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation assists in the effective administration of the statutes by continuing to clarify the Commonwealth's Veteran Centers policies for admission.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

NA

**(b) The necessity of the amendment to this administrative regulation:**

NA

**(c) How the amendment conforms to the content of the authorizing statutes:**

NA

**(d) How the amendment will assist in the effective administration of the statutes:**

NA

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

The type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation include: (1) Most recent estimations suggest that there are 216,667 veterans residing in the Commonwealth; those whose personal and financial circumstances make them eligible for admission to one of the Commonwealth's Veteran Centers will be positively affected by this administrative regulation; and (2) The families of the veterans listed in (1).

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

KDVA does not foresee a change in the quality of care to the veteran residents of the Commonwealth's Veterans Centers.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There are no additional costs.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The Commonwealth's veterans and their families will have clearly defined admission requirements. There are no additional costs.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

There are no additional costs.

**(b) On a continuing basis:**

There are no additional costs.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

There are no additional costs.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

KDVA does not anticipate an increase in fees or funding.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

KDVA does not anticipate an increase in fees or funding.

**(9) TIERING: Is tiering applied?**

Tiering is not appropriate in assessments undertaken with this administrative regulation because the requirements will be equally applied to all individuals or entities subject to the regulation. Disparate treatment of persons or entities subject to this administrative regulation would undoubtedly raise Constitutional inquiries of KDVA's arbitrariness based on the Fourteenth Amendment to the U.S. Constitution (i.e., the Equal Protection or Due Process clauses).

## **FISCAL IMPACT STATEMENT**

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

The state statutes, federal statutes, or federal regulations that require or authorize the action taken by the administrative regulation include KRS 40.325, which authorizes KDVA to promulgate regulations to operate the Commonwealth's five Veteran Centers and to seek private or federal funding for those Centers.

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

KRS 40.320 authorizes 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.

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The affected state units, parts, or divisions include the Commonwealth's five Veteran Centers: (1) Carl M. Brashear Radcliff Veterans Center in Radcliff, Kentucky; (2) Paul E. Patton Eastern Kentucky Veterans Center in Hazard, Kentucky; (3) Joseph Eddie Ballard Western Kentucky Veterans Center in Hanson, Kentucky; (4) Thomson-Hood Veterans Center in Wilmore, Kentucky; and (5) Robert E. Spiller Bowling Green Veterans Center (expected to start in September 2025) in Bowling Green, Kentucky.

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:NA**

**For subsequent years:NA**

**2. Revenues:**

**For the first year:NA**

**For subsequent years:NA**

**3. Cost Savings:**

**For the first year:NA**

**For subsequent years:NA**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

NA

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:NA**

**For subsequent years:NA**

**2. Revenues:**

**For the first year:NA**

**For subsequent years:NA**

**3. Cost Savings:**

**For the first year:NA**

**For subsequent years:NA**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

NA

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:NA**

**For subsequent years:NA**

**2. Revenues:**

**For the first year:NA**

**For subsequent years:NA**

**3. Cost Savings:**

**For the first year:NA**

**For subsequent years:NA**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

There are no fiscal impacts.

**(b) Methodology and resources used to reach this conclusion:**

There are no fiscal impacts because the administrative regulation defines eligibility for admissions only.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13):**

NA

**(b) The methodology and resources used to reach this conclusion:**

As there are no major economic impacts incurred with this regulation, no methodology was necessary.