

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

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

RELATES TO: KRS 40.320, 40.325

STATUTORY AUTHORITY: KRS 40.325(3)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 authorizes the establishment of state veterans' nursing homes. KRS 40.325(3) 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 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' home~~[Center]~~, a person shall:

- (a) Be a veteran;
- (b) Be disabled by reason of disease, wounds, or age, or otherwise be in need of nursing care;
- (c) Be a Kentucky resident as of the date of admission to a Kentucky Veterans' home~~[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 has needs that cannot be met by the Kentucky Veterans' Home~~[Veterans' Center]~~.

Section 2. Admission to a Kentucky Veterans' Home. The Kentucky Department of Veterans Affairs shall maintain a standardized, systemwide process for tracking and communicating admission decisions:

(1) The Kentucky Veterans' Home shall review available clinical, financial, and military records to determine admission eligibility.

(2) Once a determination has been made, the Kentucky Veterans' Home shall provide verbal and written notification to all qualified, and denied applicants. Initial deferred determinations may be communicated verbally, with written notification provided if the deferral remains in effect beyond thirty (30) days.

(3) This notification shall be delivered to the Veteran and/or their authorized representative.

(4) Written notification of deferred or denied eligibility determinations shall include information regarding the OKVC appeal and reconsideration process.

Section 3. Qualified, deferred or denied Admission to a State Veterans' Nursing Home.

(1) Each Kentucky Veterans' Home shall maintain a standardized, systemwide process to manage applicants.

(2) Qualified applicants have been determined to meet all admission eligibility requirements and are admitted, subject to bed availability in the service area for which admission has been approved.

(3) Deferred applicants remain under consideration pending receipt of additional information, resolution of identified concerns or other factors affecting admission eligibility.

(4) A qualified or deferred applicant may be denied admission, if:

- (a) The applicant's health care needs have changed to the extent that the service for which he/she was originally approved or deferred can no longer meet his/her health care needs; or
- (b) The applicant's service needs have changed to such an extent that the facility can no longer meet the applicant's health care/service needs.
- (5) Applicants with a qualified or deferred status who have remained in this status over thirty (30) days may be required to provide current medical information to verify continued eligibility prior to admission.
- (6) If a qualified applicant declines an admission offer, the next qualified applicant will be invited for admission. The declining applicant will be considered for admission at a later date if services are requested and eligibility met.

Section 4. Appeal and Reconsideration Process for Denied or Deferred Veterans.

- (1) Appeal Request Process: A veteran applicant or the applicant's designated representative may request reconsideration or appeal of a denial of admission or a deferral extending beyond thirty (30) calendar days.
- (2) Appeal Request Form. The applicant or designated representative shall submit the Admission Appeal/Reconsideration Request Form OKVA 001A, which shall be provided with and attached to each denial or deferral determination notice.
- (3) Time for Filing. An appeal or request for reconsideration shall be submitted within thirty (30) calendar days from the date of the denial or deferral determination notice.
- (4) Supporting Documentation. The applicant or designated representative shall provide any supporting documentation or information that establishes the basis for the appeal or request for reconsideration. The applicant may submit documentation or information that was not available or considered at the time of the initial determination.
- (5) Review and Final decision. The Executive Director or Deputy Executive Director of the Office of Kentucky Veterans Centers shall review the appeal or request for reconsideration and issue a written decision within ten (10) business days of receipt of the appeal. The written decision shall state whether the original denial or deferral determination is affirmed, modified, or reversed and shall provide the basis for the decision. The decision shall constitute the final administrative determination of the Kentucky Department of Veterans Affairs regarding the applicant's eligibility for admission.
- (6) Vacancy or Unavailability. If the Executive Director and Deputy Executive Director of the Office of Kentucky Veterans Centers are not available to perform the review because of a vacancy in the positions or otherwise an OKVC Nurse Consultant shall review the appeal or request for reconsideration and issue the final written decision.

This is to certify that the Executive Director of the Office of Kentucky Veteran Services 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).

LADONNA SCOTT, Deputy Executive Director

WHITNEY P. ALLEN, JR., Commissioner

WILLIAM BONILLA, Staff Attorney III

APPROVED BY AGENCY: September 15, 2026

FILED WITH LRC: September 15, 2026 at 9:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 23, 2026 at 10:00 am at 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 was received by that date, the hearing may be cancelled. 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 November 30, 2026. 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: LaDonna Scott, Deputy Executive Director, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 564-9203 or fax (502) 564.9240; email: ladonna.scott@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:LaDonna Scott, Office of the Commissioner, Deputy Executive Director OKVC **Phone:** (502) 564-9203 **Email:** ladonna.scott@ky.gov

Subject Headings:Veteran's Affairs, Nursing Facilities, Long-Term Care

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation clarifies eligibility for admission, establishes a standardized, systemwide process for communicating admissions decisions to applicants for admission to a Kentucky Veterans Home, and explains the process by which an applicant may appeal a denial or extended deferral.

(b) The necessity of this administrative regulation:

The administrative regulation ensures that prospective applicants understand the eligibility requirements for admission, receive uniform written admission decisions from Kentucky Veterans Homes, and are informed of their right to appeal a denial or extended deferral.

(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 veterans' homes and establish eligibility requirements and an application process for admission.

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

This administrative regulation streamlines the process for determination eligibility for admission to KDVA Veterans Homes, ensures consistent communication of admission decisions to applicants, and establishes a process for applicants to appeal a denial or extended deferral.

(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:

Provides consistent language to align with federal Department of Veterans Affairs and Centers for Medicare and Medicaid Services language with the use of "veterans homes". It also establishes a standardized, systemwide process for communicating admissions decisions across all Kentucky Veterans' skilled nursing homes and established an appeal process.

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

KDVA is adopting recommendations of the Legislative Oversight and Investigations Committee that have been reviewed by the Veterans, Military Affairs, and Public Protection Committee.

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

The amendment conforms to the requirements of the authorizing statutes by recognizing KDVA's responsibility to operate veterans' homes and establish eligibility requirements and an application process for admission.

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

This amendment is being promulgated by KDVA in response to recommendations of the Legislative Oversight and Investigations Committee, as reviewed by the

Veterans, Military Affairs, and Public Protection Committee. The regulation recognizes KDVA's responsibility to operate veterans' homes and establish eligibility requirements for admission.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes from 017 KAR 003:042. 51 Ky.R. 1825; 52 Ky.R. 82, 169; eff. 11-4-2025.

(4) 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: N/A

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

KDVA does not foresee a change in the administration of Kentucky Veterans Homes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There are no additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

The Kentucky Veterans Homes will have a better and clearer admissions process.

(6) 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.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

There are no additional costs.

(8) 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.

(9) 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.

(10) 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 164.479(2) which requires the Kentucky Department of Veterans Affairs to promulgate administrative regulations concerning the eligibility of applicants to participate in tuition waiver programs.

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

No answer provided.

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

The affected state units, parts, or divisions include the Kentucky Department of Veteran's Affairs as the promulgating agency. (a) Estimate the following for the first year.

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

1. Expenditures:

For the first year:No answer provided.

For subsequent years:No answer provided.

2. Revenues:

For the first year:No answer provided.

For subsequent years:No answer provided.

3. Cost Savings:

For the first year:No answer provided.

For subsequent years:No answer provided.

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

(a) Estimate the following for the first year: NA

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

1. Expenditures:

For the first year:No answer provided.

For subsequent years:No answer provided.

2. Revenues:

For the first year:No answer provided.

For subsequent years:No answer provided.

3. Cost Savings:

For the first year:No answer provided.

For subsequent years:No answer provided.

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

No answer provided.

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

1. Expenditures:

For the first year:No answer provided.

For subsequent years:No answer provided.

2. Revenues:

For the first year:No answer provided.

For subsequent years:No answer provided.

3. Cost Savings:

For the first year:No answer provided.

For subsequent years:No answer provided.

(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 determine the fiscal impact: There are no fiscal impacts because the administrative regulation defines eligibility for admissions only. (6) Explain: (a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) NA

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

No answer provided.

(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(14):

No answer provided.

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

NA as there are no major economic impacts incurred with this regulation.