CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 5:120. Vulnerable adult maltreatment registry and appeals.

RELATES TO: KRS 15.111(2)(g), 194A.060, Chapter 209, 216.2955, 216B.015(13), 324B.030, 42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1

STATUTORY AUTHORITY: KRS 194A.050(1), 209.032(5)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to adopt all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 209.032(5) requires the cabinet to promulgate administrative regulations necessary to implement a central registry of substantiated findings. This administrative regulation establishes the vulnerable adult maltreatment registry, due process prior to the addition of an individual to the registry, and error resolution for correction of the cabinet's records.

Section 1. Definitions.

(1) "Abuse" is defined by KRS 209.020(8).

(2) "Adult" is defined by KRS 209.020(4).

(3) "Cabinet" means the Cabinet for Health and Family Services.

(4) "Department" is defined by KRS 209.020(3).

(5) "Employee" is defined by KRS 209.032(1)(a).

(6) "Exploitation" is defined by KRS 209.020(9).

(7) "Good cause" means justification for failure to carry forward with a legal obligation related to an appeal, including:

(a) An appellant's inability to comprehend the cabinet's written statement describing appeal rights; or

(b) A cabinet-sanctioned determination that the appellant or the appellant's legal representative is not at fault for failure to:

1. Submit a written request for appeal; or
2. Participate in a proceeding related to an administrative hearing.

(8) "Health facility" is defined by KRS 216B.015(13).

(9) "Investigation" is defined by KRS 209.020(10).

(10) "Near fatality" means an injury or condition, as certified by a physician, that places an adult in serious or critical condition.

(11) "Neglect" is defined by KRS 209.020(16).

(12) "Records" is defined by KRS 209.020(15).

(13) "Secure methodology" means the deployment of technology to protect the application's authenticity and to keep user communications, browsing, and identity private in accordance with KRS 209.032.

(14) "Validated substantiated finding of adult abuse, neglect, or exploitation" is defined by KRS 209.032(1)(b).

(15) "Vulnerable adult services provider" is defined by KRS 209.032(1)(c).

Section 2. Vulnerable Adult Maltreatment Registry.

(1) The cabinet shall establish a vulnerable adult maltreatment registry that contains an individual:

(a) Who was an employee or a person acting with the expectation of compensation;
(b) Who was the perpetrator of adult abuse, neglect, or exploitation:
1. Pursuant to 922 KAR 5:070; and
2. Substantiated on or after July 15, 2014; and
(c)
1. With a validated substantiated finding of adult abuse, neglect, or exploitation; and
2. If applicable, with a pending appeal.

(2) An individual with a validated substantiated finding of adult abuse, neglect, or exploitation shall:
(a) Remain on the vulnerable adult maltreatment registry for a period of at least seven (7) years; and
(b) Be removed from the vulnerable adult maltreatment registry:
1. In accordance with the error resolution process established in Section 6 of this administrative regulation if an error is confirmed; or
2. After a period of seven (7) years if:
a. No additional validated substantiated finding of adult abuse, neglect, or exploitation has occurred since the last finding for which the individual's name was placed on the vulnerable adult maltreatment registry; and
b. Cabinet records indicate that the incident for which the individual's name was placed on the vulnerable adult maltreatment registry did not relate to an adult fatality or near fatality related to adult abuse or neglect.

(3) The vulnerable adult maltreatment registry shall be available for a web-based query using a secure methodology by:
(a) A vulnerable adult services provider in accordance with KRS 209.032(2);
(b) An individual in accordance with KRS 209.032(3);
(c) An employee of the cabinet with a legitimate interest in the case;
(d) A health facility in accordance with KRS 216.2955; ~~[or]~~
(e) A health care provider enrolled in the Kentucky Medicaid Program in accordance with KRS 216.2955; or
(f) A state licensing board as described in KRS 324B.030(1) in accordance with KRS 209.032(8).

(4) The vulnerable adult maltreatment registry with pending appeals shall be available for a web-based query using a secure methodology by a vulnerable adult service provider in accordance with KRS 209.032(2).

(5) The vulnerable adult maltreatment registry shall be accessible through:
(a) The department's main webpage; or
(b) Another cabinet system, such as the Kentucky Applicant Registry and Employment Screening (KARES) Program established in accordance with 906 KAR 1:190.

(6) If an individual or a vulnerable adult services provider established in KRS 209.032(1)(c)~~[11]~~ does not have access to the internet, the individual or provider shall submit a signed and completed DPP-246, Vulnerable Adult Maltreatment Registry Self-Query, to conduct a self-query in accordance with KRS 209.032(2) or (3).

Section 3. Notification of Finding.

(1) If the cabinet finds that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation in accordance with 922 KAR 5:070, the cabinet shall send notice of the finding to the perpetrator by certified mail to the perpetrator's last known address.

(2) The cabinet's notice of a finding of adult abuse, neglect, or exploitation to an employee or a person acting with the expectation of compensation shall include:
(a) The factual basis for the finding of adult abuse, neglect, or exploitation;
(b) The results of the investigation;

(c) The perpetrator's right to appeal the substantiated finding in accordance with KRS 209.032 and this administrative regulation;

(d) A statement that a finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation in accordance with KRS 209.032 and Section 5 of this administrative regulation; and

(e) A statement that a perpetrator of a validated substantiated finding of adult abuse, neglect, or exploitation shall be added to the vulnerable adult maltreatment registry.

(3)

(a) The cabinet shall reserve the right, in its sole discretion, to amend, modify, or reverse its investigative finding of adult abuse, neglect, or exploitation at any time if the finding appears to be improper based upon:

1. A review of the cabinet's records; or

2. Subsequent discovery of additional information.

(b) If amendment, modification, or reversal of an investigative finding results in a substantiated finding of abuse or neglect of an adult, the cabinet shall act in accordance with subsections (1) and (2) of this section.

Section 4. Request for Appeal.

(1) In accordance with KRS 209.032, if the cabinet makes a finding that an employee or a person acting with the expectation of compensation has committed adult abuse, neglect, or exploitation, the individual shall have the right to appeal the substantiated finding through an administrative hearing.

(2) A request for appeal shall:

(a) Be submitted:

1. In writing by the appellant, with the assistance of the cabinet if the appellant is unable to comply without assistance; and

2. To the cabinet no later than thirty (30) calendar days from the individual's receipt of the notice in accordance with Section 3(1) of this administrative regulation;

(b) State the nature of the investigative finding;

(c) State the reason the individual disputes the cabinet's substantiated finding; and

(d) Include a copy of the notice of a substantiated finding in accordance with Section 3 of this administrative regulation, if available.

(3) The cabinet shall not dismiss a request for appeal as untimely if an appellant demonstrates good cause.

(4) A final administrative decision made by the cabinet or cabinet's designee as a result of a previous appeal on the same issue or an unsubstantiated finding of adult abuse, neglect, or exploitation shall not be reviewed through an administrative hearing.

Section 5. Administrative Hearing.

(1) An administrative hearing shall be conducted by the Office of Administrative Hearings within the Department of Law in accordance with KRS 15.111(2)(g)~~[(h)]~~, Chapter 13B, and 209.032.

(2) The cabinet's investigative finding shall become a validated substantiated finding of adult abuse, neglect, or exploitation if the:

(a) Perpetrator does not request an administrative hearing in accordance with Section 4 of this administrative regulation;

(b) Perpetrator fails to:

1. Participate in any stage of the proceedings after requesting an appeal in accordance with Section 4 of this administrative regulation; and

2. Demonstrate good cause; or

(c) Cabinet's substantiated finding is upheld through the administrative hearing process.

(3) The secretary or designee shall issue the final order in accordance with KRS 13B.120 and 209.032.

(4) A party aggrieved by the cabinet secretary's decision shall have the right to pursue judicial review in accordance with KRS 13B.140, 13B.150, and 209.032(1)(b).

(5) The proceedings of the administrative hearing shall be disclosed only in accordance with KRS 194A.060, 42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1, 920 KAR 1:060, and 922 KAR 1:510.

(6) If the matter is not subject to the requirements of this section, the cabinet shall inform the person that the matter may be pursued through:

(a) A service complaint process established in 922 KAR 1:320; or

(b) The error resolution process in accordance with Section 6 of this administrative regulation.

Section 6. Error Resolution.

(1) In accordance with KRS 209.032(5)(a), an individual seeking error resolution shall:

(a) Submit a written request for record correction to the Commissioner of the Department for Community Based Services, 275 East Main Street (3W-A), Frankfort, Kentucky 40621;

(b) State the:

1. Date of the vulnerable adult maltreatment registry query which resulted in the error being identified; and

2. Error contained in the vulnerable adult maltreatment registry query results; and

(c) Provide documentation that verifies the error, if available.

(2) Within thirty (30) days of receipt of a request in accordance with subsection (1) of this section, the commissioner or designee shall:

(a) Determine if an error exists; and

(b)

1. If the cabinet confirms an error:

a. Correct the records; and

b. Notify the requesting individual that the records have been corrected; or

2. If the cabinet cannot confirm an error:

a. Notify the individual that an error cannot be confirmed based upon the information and documentation submitted with the request; and

b. Include information or documentation to verify an error pursuant to the individual's request, if any.

Section 7. Incorporation by Reference.

(1) The "DPP-246, Vulnerable Adult Maltreatment Registry Self-Query", 08/26~~[12/23]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621; Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or 7:00 a.m. to 3:30 p.m. Central Time. This material may also be viewed on the department's Web site at https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx.

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.

922 KAR 5:120
LESA DENNIS, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: September 18, 2026

FILED WITH LRC: October 14, 2026 at 2:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 21, 2026, at 9:00 a.m. Eastern Time / 8:00 a.m. Central Time, using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by December 14, 2026, five (5) 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 canceled. This hearing is open to the public. Any person who attends virtually 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 this proposed administrative regulation through December 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Sarah Bryant, Krista Quarles, Phone Number: (502) 564-3703, (502) 564-7476, Email: SarahE.Bryant@ky.gov, CHFSregs@ky.gov

Subject Headings:Administrative Hearings; Background Checks; Community-Based Services

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes the vulnerable adult maltreatment registry, due process prior to the addition of an individual to the registry, and error resolution of the cabinet's records.

(b) The necessity of this administrative regulation:
This amended administrative regulation is necessary to establish standards for the operation of the vulnerable adult maltreatment registry, including due process and error resolution for correction of the cabinet's records.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
KRS 209.032(5) requires the cabinet to promulgate administrative regulations necessary to implement a central registry of substantiated findings.

(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 through its establishment of the vulnerable adult maltreatment registry, the due process procedures an individual must be afforded before being added to it, and the error resolution process for correcting the cabinet's records. Together, these provisions operationalize the mandate in KRS 209.032(5) that the cabinet maintain a central registry of substantiated findings, ensuring the registry is administered consistently and in accordance with due process across the Commonwealth.

(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:
This amendment incorporates the provisions of KRS 209.032(8), enacted by House Bill (HB) 280 in the 2026 Regular Session of the General Assembly, which authorizes a state licensing board to query the cabinet for any validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under that board's jurisdiction. This amendment adds state licensing boards to the list of entities authorized to submit a web-based query of the vulnerable adult maltreatment registry and establishes that the cabinet shall provide information to a querying licensing board in accordance with KRS 61.878(5).

(b) The necessity of the amendment to this administrative regulation:
This amendment is necessary to conform to KRS 209.032(8), as enacted by HB 280 in the 2026 Regular Session, which expands registry query access to state licensing boards.

(c) How the amendment conforms to the content of the authorizing statutes:
This amendment conforms to KRS 209.032(8) by authorizing a state licensing board to query the cabinet for a validated substantiated finding of adult abuse, neglect, or

exploitation existing for an individual under the board's jurisdiction, and by providing that the cabinet shall furnish such information in accordance with KRS 61.878(5).

(d) How the amendment will assist in the effective administration of the statutes:
This amendment assists in the effective administration of KRS 209.032(5), which requires the cabinet to promulgate administrative regulations designating the process by which authorized entities may query the registry, by extending that established query process to state licensing boards as newly authorized under KRS 209.032(8). This allows licensing boards to incorporate registry information into licensure decisions affecting individuals under their jurisdiction, consistent with the cabinet's existing query infrastructure.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?Yes, HB 280 of the 2026 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
The number of individuals listed on the vulnerable adult maltreatment registry (VAMR) is unknown, as the registry does not function as a database but rather as a search system that returns results based on identifying information submitted in a query. There were approximately 109,561 VAMR inquiries in 2025, and 152 registry cases processed in 2025. As a result of this amendment, 27 state licensing boards will be newly authorized to query the cabinet for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction. It is unknown at this time how many queries state licensing boards will submit annually, as this is a newly authorized use of the registry.

(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:
There are no new requirements imposed on regulated entities. This amendment does not create a compliance obligation but establishes a new, optional process by which a state licensing board may query the cabinet for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction.

(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 costs to regulated entities associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):
State licensing boards will benefit from increased access to relevant information when making licensure decisions, allowing the board to consider a validated substantiated finding of adult abuse, neglect, or exploitation when evaluating an applicant for licensure or renewal of licensure, or when investigating a current licensee.

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

(a) Initially:
There are no anticipated costs associated with this amendment.

(b) On a continuing basis:

There are no anticipated costs associated with this amendment.

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

Implementation and enforcement of this administrative regulation are funded through state General Funds and the federal Social Services Block Grant (SSBG).

(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:

An increase in fees or funding will not be necessary to implement this amendment.

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

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering is not applied, because this administrative regulation is applied in a consistent manner statewide.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.
KRS 194A.050(1), 209.032(5)

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:
The Cabinet for Health and Family Services, Department for Community Based Services, is the promulgating agency.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?
This amendment does not alter expenditures, revenues, or cost savings.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
None.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?
No change is expected.

(4) Identify additional regulated entities not listed in questions (2) or (3):
State licensing boards will be authorized to query the cabinet's vulnerable adult maltreatment registry for a validated substantiated finding of adult abuse, neglect, or exploitation existing for an individual under the board's jurisdiction.

(a) Estimate the following for the first year:

Expenditures:None.

Revenues:None.

Cost Savings:None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?
No change is expected.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:
This amendment does not have a fiscal impact.

(b) Methodology and resources used to determine the fiscal impact:
This amendment implements 2026 RS HB 280, which amended KRS 209.032 to authorize a state licensing board to query the cabinet's vulnerable adult maltreatment registry for an individual under the board's jurisdiction. As registry access is

optional and uses the cabinet's existing query infrastructure, no fiscal impact is anticipated.

(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)

: No, this administrative regulation does not have a negative or adverse economic impact.

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

This amendment authorizes state licensing boards to submit an optional query to the vulnerable adult maltreatment registry; because the query is not mandatory and uses the cabinet's existing query system, no economic impact is anticipated.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.
42 U.S.C. 1320d - 1320d-9, 1397 - 1397e, 1397m-1

(2) State compliance standards.
KRS 194A.060, Chapter 209, 216.2955, 216B.015(13)

(3) Minimum or uniform standards contained in the federal mandate.
The federal statutes establish minimum standards for the privacy and security of protected health information and for the confidentiality of records maintained in connection with federally funded adult protective services and social services programs.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
No. This administrative regulation, as amended, does not impose stricter requirements, or additional or different responsibilities, than those required by the federal mandate. The amendment authorizes a state licensing board to query the vulnerable adult maltreatment registry under KRS 209.032(8) and does not alter the confidentiality and disclosure standards established by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.
Not applicable. This administrative regulation does not impose requirements stricter than, or different from, those required by the federal mandate.