



April 25, 2024

The Honorable Ty Masterson and The Honorable Daniel Hawkins  
Senate President and Speaker of the House  
The Kansas Legislature  
300 SW 10<sup>th</sup> St  
Topeka, KS 66612

Dear President Masterson and Speaker Hawkins,

First, we would like to start by saying thank you for crafting and signing letters opposing the federal minimum staffing rule when it was first proposed in September 2023. Our associations, and our members, are eternally grateful to have strong leadership in their corner when fighting against damaging and illogical mandates issued by the Centers for Medicaid and Medicare Services.

Despite our best efforts, the rule was finalized on Monday, April 22, 2024, and even worse than originally proposed. The final requirements include:

- Establishing minimum staffing ratios for nursing home providers across the nation despite the ongoing workforce challenges faced – a total of 3.48 hours, .55 RN and 2.45 CNA. These minimums are universal and cannot be adjusted according to resident census or acuity.
- Requiring a Registered Nurse (RN) to be on-site 24/7, an impossibility for our industry due to the lack of available nursing workforce, especially in rural areas.
- Requiring states to track and report Medicaid dollars spent on direct care staff compensation, including contract staff.
- No funding assistance allocated from the federal government to achieve the provisions, so cost will fall to state Medicaid programs, providers, and senior consumers.
- CMS conservatively estimated a national \$43 billion cost over 10 years for providers to implement the ratios, 24/7 RN, and enhanced facility assessment provisions and an estimated a \$147.9 million cost over 10 years to states, the federal government, and providers for the payment transparency reporting.
  - In September 2023, LeadingAge National estimated the rule would result in a \$4 billion cost to providers in the first year alone, and that cost is expected to be higher now with the finalized provisions.

As you both know, unfunded mandates cannot succeed, and this rule is no different. It will inevitably exacerbate our senior care deserts across Kansas by forcing closures of beds and facilities due to noncompliance. This could have other significant impacts on patients' access to post-acute care facilities. Please support our aging services providers who are serving one of our most vulnerable populations in Kansas by passing a joint resolution opposing the minimum staffing rule before the end of the 2024 legislative session. Thank you for your consideration and we are available for follow-up questions.

Sincerely,

Rachel Monger  
LeadingAge Kansas

Chad Austin

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