

STATE OF KANSAS
SENATE CHAMBER

STATE CAPITOL RM 318-E
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DINAH H. SYKES
SENATE DEMOCRATIC LEADER

November 13, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure:

As Democratic leaders in the Kansas legislature, we write to you to express our concerns with the proposed minimum staffing rule for nursing facilities your office announced on September 1, 2023. We find the intent of your rule admirable, but frankly unachievable given the current circumstances our state is facing in long-term care services.

Our rural state, like many others, saw mass waves of closures and reduced capacity exacerbated by the pandemic. With the added pressures and regulations, we saw increasing numbers of direct-service and frontline nurses leaving long-term care or the healthcare system altogether. This has left Kansas with a limited number of nurses to be employed among a wide variety of employers in the healthcare continuum.

Despite these challenges, our providers have remained committed to serving Kansas residents and their families in frontier, rural, and urban areas of the state. The legislature has been supportive of their commitment by attempting to increase state Medicaid rates through a one-time add-on allowing providers to come close to 100% cost reimbursement. We are aware of the challenges providers and residents face, and we too want to guarantee quality of care. However, issuing a top-down mandate without financial support or policy to support the provisions is not the way to do so.

Unfunded mandates will only lead to unintended consequences such as further closures, reduced capacity, displacements of residents currently receiving care, and further hardships for the sustainability of the long-term care continuum in Kansas. Our nursing homes do not operate in silos, and many of our providers offer other critical services in rural communities that could be placed in jeopardy by this rule.

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We want to ensure a balance between the needs of providers and the rights of residents and believe working together to address any issues between the two is critical to a harmonious resolution. For these reasons, we urge your office to not finalize the proposed minimum staffing rule and work with individual states to address their unique needs and maintain compliance with current state laws.

A handwritten signature in black ink that reads "Dinah Sykes". The signature is written in a cursive, flowing style.

Dinah Sykes, KS Senate Minority Leader

A handwritten signature in black ink that reads "Vic Miller". The signature is written in a cursive, flowing style.

Vic Miller, KS House Minority Leader

A handwritten signature in black ink that reads "Pat Pettey". The signature is written in a cursive, flowing style.

Pat Pettey, KS Senate Minority Whip

A handwritten signature in black ink that reads "Valdenia Winn". The signature is written in a cursive, flowing style.

Valdenia Winn, KS House Assistant Minority Leader