

State of Kansas  
Senate



**SENATOR RICK WILBORN**  
SENATE VICE PRESIDENT

**SENATOR TY MASTERSON**  
SENATE PRESIDENT

**SENATOR LARRY ALLEY**  
SENATE MAJORITY LEADER

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300 SW 10<sup>th</sup>  
Topeka, KS 66612

November 7, 2023

The Honorable Xavier Becerra  
Secretary of Health and Human Services  
The U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Becerra:

Health and Human Services has recently proposed changes to regulations that will have a significant impact on nursing home facilities in Kansas and will disproportionately impact citizens in rural communities. Omitting LPNs from being counted in the 3.0-hour minimum staffing ratio hours is an unreasonable requirement at a time when the industry is struggling to fill the many vacancies.

We have been examining these issues and collaborating with stakeholders to identify ways to recruit, educate, and retain direct service positions. However, this regulation will result in more patients being at risk when the supply of Registered Nurses does not meet the demand.

Currently, 39.67% of Kansas LPNs work in these settings. While we support the idea of a more educated workforce, the number of Registered Nurses in Kansas doesn't exist to meet the need with the proposed regulations. Without solving the underlying problem of the nursing shortage, aging service providers must continue to battle for a limited pool of qualified applicants. This situation will continue to place our state in the position of not having enough qualified medical staff to conduct the regulations set forth by your department.

Additionally, even if staffing were available, your rule would require increased funding of approximately \$58 million. Funding that isn't available under the current reimbursement rates for long-term care. This rule will lead to more facility closures in all areas of the state. The result of this rule will likely displace residents and unduly challenge families to find facilities that can adequately care for this at-risk community.

We ask that you reconsider the proposed amendments.

Sincerely,

Handwritten signature of Ty Masterson in black ink.

Ty Masterson  
Senate President

Handwritten signature of Larry Alley in black ink.

Larry Alley,  
Senate Majority Leader

Handwritten signature of Richard Wilborn in black ink.

Richard Wilborn  
Senate Vice President