



Proposed Minimum Staffing Rule: Kansas Talking Points

- There is an ongoing workforce crisis in the healthcare field, making the implementation and achievement of the proposed rule impractical for nursing home providers.
 - Insert provider fact on where you currently sit on meeting the staffing ratio and 24/7 RN requirements – including how long you’ve been hiring for CNA and RN positions. [Download Excel table](#) to find your provider’s data.
- While hardship waivers are included in the proposed rule for both the 24/7 RN coverage and staffing ratio requirements, it requires a survey to be completed and there are simply not enough surveyors available to accomplish this – making the waiver unachievable and resulting in more insufficient staffing violations in the future.
 - Insert provider fact on how far behind surveys have been in Kansas or any experiences you’ve had with attempting to gain a hardship waiver for other federal regulations.
- Licensed Practical Nurses (LPNs) have essentially been left out of the proposed rule, despite their longstanding presence in long-term care settings. By not including LPNs in the staffing ratio or 24/7 RN requirements we are reducing workforce opportunities in a field that is already struggling.
 - Insert provider fact on what LPNs do in your facility (comparative to RNs and CNAs) and what will happen if they are not included in the proposed rule **OR** if they are included in the alternative higher staffing ratio total (3.48 hours).
- The Centers for Medicare and Medicaid and Health Resources and Services Administration investing \$75 million for scholarships and tuition reimbursement for individuals to enter careers in nursing homes will not do anything to support longevity in the position as those funds will not be allocated to a provider to use for salaries, benefits, and more.
 - Insert provider fact on your experiences with nurses using agency versus working directly for a facility to increase their salary and the impact that has on the facility.
- The astronomical costs of proposed rule implementation without financial backing of the mandate will lead to more closures.
 - Insert provider fact of how much it will cost your provider facility per resident per day to implement the staffing ratio. For now, [reference tables 17-19 and 23-26](#) in the CMS proposed rule. Additional provider-specific analysis is in the works.

- Nursing facilities do not operate in a vacuum. They are part of a continuum of care that helps to provide consistency and access to quality care for residents and their families – especially in rural areas where services are scarce.
 - Insert provider fact on how the proposed rule will impact your continuum of care.
- Nursing homes are not all the same. LeadingAge Kansas providers have longstanding foundations in the faith-based and not-for-profit world which drives their mission in providing the best person-centered care experience for residents and their families.
 - Insert provider fact on how long you've been in business, how many residents you've served, and refer to your faith-based organization's mission and how that translates to serving the community by providing nursing home level of care.
- Despite the Biden Administration and Centers for Medicare and Medicaid saying the proposed rule will improve equity and access issues, there will be unintended consequences such as closures of provider facilities that will impede access for rural residents and their families.
 - Insert provider specific story on how your facility serves a rural or frontier area – keeping residents and families in close contact with each other.

How Policymakers Can Help

- Meet with LeadingAge Kansas members at their facilities to see the good work they are doing.
- Push back on CMS and the White House by writing letters calling for a withdrawal of the rule while the agency takes necessary actions to appropriate funding or enact policy that enhances the aging services workforce.
- Support staffing agency regulations to prevent skyrocketing labor costs to meet these standards.
- Update the Kansas Nursing Facility Reimbursement Rate Methodology to include the costs of these rule provisions.

How Residents, Their Families, and Local Community Groups Can Help

- [Submit comments](#) to the Federal Register outlining what will happen if the rule goes into effect and leads to a closure of the facility.
- [Contact your state and congressional delegates](#) and ask for their support in drafting letters to CMS and the White House on concerns with the rule's implementation in Kansas.
- Write letters to the editor or op-eds to your local newspaper outlining the concerns and the good work that is currently being provided in member facilities.