

### Finalized Minimum Staffing Rule FAQs

1. Will our state establish a process for applying for waivers, as the regulation suggests, given the current lack thereof?

**Answer: Yes. Currently, there is budget proviso language that allows us the flexibility to have the Secretary continue granting these waivers. However, LeadingAge Kansas has already been in discussions with KDADS on making sure that legislation and a formal process that meets CMS criteria is introduced in the 2025 legislative session.**

2. Will assistance be provided in developing waiver procedures closer to implementation?

**Answer: Absolutely! LeadingAge Kansas will work alongside National to identify tools and resources for members to utilize in implementing their new enhanced facility assessment, as well as navigating the waiver procedures and processes.**

3. Is there already legal support in place for a lawsuit and is pursuing legal action a viable option to expedite resolution?

**Answer: Currently, we are unaware of any specific provider interested in pursuing that route. Lawsuits can be timely and costly, but it is something LeadingAge Kansas will continue to monitor and present information to the Board of Directors on as a possibility.**

4. What are the chances of the rule being overturned, and do you see it as a realistic possibility?

**Answer: It is anybody's guess at this point. Since the ruling is still fresh, there is time to explore possible avenues to have the rule overturned. It may end up being a political issue in the presidential election and other congressional elections as well.**

5. If the rule remains, is there a fast-track method for LPNs to become RNs, considering their experience and the potential need for RN credentials?

**Answer: We are exploring expanding apprenticeship pathways and will work with National and CMS to see if this option could count towards meeting the rule requirements.**

6. How can we find out if our county is classified as micropolitan?

**Answer: We'll pull provider specific data soon. For now, you can reference the map and information outlined on this [webpage](#).**

7. Can an administrator fulfill the role of RN coverage, especially if they hold an RN license alongside their administrative duties?

**Answer: Unfortunately, no. An administrator must work full-time per regulations and there is no caveat to have a dual role as an RN outlined in the rule.**