



**Kansas Hospital  
ASSOCIATION**

November 1, 2023

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

RE: CMS–3442–P; Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting.

***Submitted electronically via regulations.gov.***

Dear Administrator Brooks-LaSure,

On behalf of the 122 community hospitals in Kansas, the Kansas Hospital Association appreciates the opportunity to provide comments related to the proposed regulations putting forth minimum staffing requirements for nursing facilities. The KHA membership encompasses a diverse set of community hospitals, ranging from small, rural critical access hospitals to large, urban academic medical centers. KHA believes the Centers for Medicare and Medicaid’s proposed minimum staffing standards will result in unintended difficulties that will result in disruption in access to care for Kansans.

The recent COVID-19 pandemic has highlighted many challenges to the current health care delivery system. Most notably, health care organizations across the country encountered difficulties in attracting and retaining an appropriate health care workforce. This challenge was no different for Kansas hospitals and nursing homes. According to a recent survey conducted by our association, we estimate the current vacancy rate in Kansas hospitals for Staff RNs hovers around 21 percent. This is slightly above the current vacancy rate for Certified Nurse Assistants at 19 percent vacancy. Towards that end, if the proposed minimum staffing standards are implemented, Kansas would need a significant number of new RNs and CNAs to meet the requirement. It is highly unlikely that Kansas nursing homes could meet the proposed staffing requirements, which would lead to possible reductions in Kansas nursing homes admitting new residents. This would likely create an impact upstream where hospitals would have difficulties discharging patients to an appropriate post-acute setting on time, or requiring hospitals to discharge patients to nursing facilities located significantly further from their families and home community. This backlog also could delay the ability of Kansas hospitals admitting and treating new patients.

Kansas hospitals share CMS’ goal of improving quality throughout the health care system, including in nursing homes. While well-intended, the proposed minimum staffing standards most likely will have the opposite effect as nursing homes will face difficulties attracting an already limited pool of RNs and CNAs. Additionally, Licensed Practical Nurses (LPNs) being excluded from this staffing requirement places additional stress on meeting the staffing standards. LPNs are a key role in providing excellent patient

care across health care settings, and particularly in long-term care. Including LPNs in the RN requirement or in some other form would allow more flexibility for facilities, especially in rural Kansas.

KHA believes a better approach to ensure appropriate staffing for nursing homes and other health care organizations is to focus on the underlying issues, such as workforce shortages, insufficient payment rates, and regulatory burdens. Health care providers need additional federal support, not unfunded mandates, to meet the health care needs of their communities.

Thank you for the opportunity to share a few thoughts related to the proposed minimum staffing standards for long-term care facilities. Please feel free to contact our office, (785) 233-7436, if you would like additional information and examples on the unintended consequences this proposed regulation will cause Kansas health care providers.

A handwritten signature in black ink, appearing to read 'Chad Austin', with a stylized flourish at the end.

Chad Austin  
President and CEO