



KHA's Capitol Comments
April 25, 2024

Nursing Home Staffing Standards Set by CMS

The Centers for Medicare & Medicaid Services announced the final rule related to minimum staffing requirements for nursing homes participating in the Medicare and Medicaid programs. Nursing homes will be required to follow designated nurse staffing standards as listed below:

- Provide residents with a minimum total of 3.48 hours of nursing care per day, which includes at least 0.55 hours of care from a registered nurse per resident per day, and 2.45 hours of care from a nurse aide per resident per day.
- Have a registered nurse on site 24 hours per day, seven days per week, to help mitigate against preventable safety events and deliver critical care to residents at any time.
- Conduct a stronger annual facility assessment than is currently required to improve the planning and identification of the resources and support needed to care for residents based on their acuity during day-to-day operations and emergencies. This process needs to include participation from direct care workers and others.
- Develop a staffing plan to maximize recruitment and retention.

CMS will also require states to collect and report on the percentage of Medicaid payments spent on compensation for direct care workers and support staff delivering care in nursing facilities and intermediate care facilities for individuals with intellectual disabilities. To increase transparency and accountability, CMS will publicly report the data reported by states and require states to report this data for each facility on a state-operated website.

CMS is developing a \$75 million national nursing home staffing campaign to increase the number of nurses in nursing homes and enhance residents' health and safety. Through this campaign, CMS will provide financial incentives for nurses to work in nursing homes.

While KHA supports a skilled and caring workforce that delivers high-quality and safe care, the process of staffing any health care facility is much more than achieving an arbitrary number set by regulation. KHA is concerned this could lead nursing homes to reduce capacity or close, and the loss of more nursing home beds could adversely impact patients who have completed hospital treatments and need continuing care in nursing facilities. KHA will continue to work with Congress and the Administration to advance sustainable approaches to bolster the health care workforce and deliver high-quality, safe and accessible care. We will continue to work at the state and federal levels to highlight impacts on existing workforce challenges.

Legislative Post Audit Meets

Yesterday, the Legislative Post Audit Committee, chaired by Senator Caryn Tyson (R-Parker), received an update on the 2023 election security audit officials from Ford and Chase counties who appeared virtually to discuss audit issues. The committee heard about performance audits and evaluations from the motor vehicle taxes and Louisburg School District.

The committee also heard about information technology monitoring projects, including the Automated Biometric Information System and Kansas Department of Health and Environment projects. The committee held an executive session to discuss the IT Security Audit of the Board of Indigents' Defense.

Listed under consent items, the committee accepted completed performance audits, approved limited-scope audit requests, and rescinded and reconsidered audits not started.

The committee agreed to add carry-over limited-scope audits, including the hospital's compliance with the Lay Caregiver Act to future audits. The committee also selected the following limited-scope audits for the future:

- Veteran's claims matching requirements
- Osawatomie State Hospital
- Virtual schools
- Annual follow-up on foster care and social workers in school districts
- Neglect and abuse registry's ability to cross-evaluate
- Transient guest tax
- Hemp production
- Free lunch account qualification

Medicaid Expansion Will See Motion When the Senate Returns

The Kansas Senate saw a motion to pull [Senate Bill 355](#), the Medicaid expansion bill, out of committee before they adjourned for the April break. Procedurally, the motion will need 24 votes to be successful and will be voted on when they return on Friday, April 26. To contact your state officials on this topic, visit <https://www.kha-net.org/Advocacy/KHAGrassroots/>.

Bills Signed into Law this Week

As legislation has made its way through the process below are a few bills with action taken by Governor Laura Kelly this week:

Signed by the Governor:

- [Senate Bill 19](#) requires school districts to establish requirements for cardiac emergency response plans, including the placement of automated external defibrillators in school buildings.
- [Senate Bill 143](#) updates the Elevator Safety Act to implement regulations for elevators.
- [Senate Bill 349](#) continues certain exceptions to the disclosure of records under the Kansas Open Records Act related to fingerprinting and criminal history record checks under the Industrial Hemp Act, carriers of alcoholic liquors and information in the Scrap Metal Theft Reduction Act database.
- [Senate Bill 115](#) establishes the Office of Child Advocate as an independent state agency.
- [Senate Bill 384](#) allows flexibility for ambulance staffing for interhospital transfers.
- [House Bill 2547](#) allows schools to keep emergency medication kits for life-threatening conditions and updates drug regulations.
- [House Bill 2562](#) creates protections against financial exploitation for vulnerable adults and establishes a consumer protection framework for contracts for deed transactions.
- [House Bill 2498](#) increases investments in Kansas' public airports and improves airport accessibility and safety.
- [Senate Substitute for House Bill 2144](#) makes encouraging another individual to attempt suicide a criminal offense and establishes penalties.
- [Substitute for House Bill 2570](#) updates employment security law.
- [House Bill 2760](#) renames the Kansas Commission on Veterans Affairs Office to the Kansas Office of Veterans Services and changes the requirements for receiving grants.

Budget Bill Line-Item Vetoes

Yesterday, Governor Laura Kelly announced the signature of the state mega budget bill contained in [Senate Bill 25](#), with the following line-item vetoed provisions:

- Language around local school district use of revenue from property sales
- Department of Adjutant General funds for Southwest Border Mission
- Office of Attorney General Kansas Fights Addiction Funds for Valley Hope Substance Abuse and Indigent Support Funds
- Office of State Treasurer Pregnancy Compassion Awareness Program
- Office of State Treasurer BUILD Kansas changes
- Kansas Corporation Commission Demolition of two structures in Augusta
- Kansas Department of Commerce – University STAR bonds
- Kansas Department of Commerce Child Care Pilot Program
- Kansas Department of Commerce Air Development Fund
- Kansas Department of Aging and Disability Services – Mental Health Intervention Team Pilot
- Kansas Department of Aging and Disability Services – limiting behavioral health provider input
- Kansas Department of Aging and Disability Services – changes to targeted case management

- Kansas Department of Aging and Disability Services – Physical Disability and I/DD Waiver enhancements
- Kansas Department for Children and Families – language limited use of TANF Funds
- Kansas State University – funding for a jet, Central Immersive Training Hub
- Emporia State University – Emporia State Model Investment Account
- University of Kansas Medical Center – residency funding
- Kansas Board of Regents – Osteopathic Service Scholarship
- Kansas Board of Regents – Kansas Promise Scholarship and Kansas Comprehensive Grant
- Adjutant General – Shooting Team Grants
- Kansas Highway Patrol – Salina Campus Reconfiguration

The legislature may look to override these line-item vetoes when they return next week.

Governor Kelly Vetoes Tax Bill

Yesterday, Gov. Laura Kelly vetoed [Substitute for House Bill 2036](#), the tax reform legislation. The fiscal note related to the bill is \$520 million annually, and the governor pointed to a new proposal on taxes estimated to be \$433 million annually and includes the following components:

- Accelerates the elimination of state tax on groceries
- Keeps the current three tax brackets but lowers each
- Increases the standard deduction, personal exemption and dependent care expenses credit
- Eliminates the state taxes on all Social Security income
- Cuts property taxes by exempting the first \$125,000 of all homes from the statewide property tax levy

The legislation, which previously passed the House on a vote of 119-0, and the Senate on a vote of [24-9](#), may see a veto override attempt when legislators return next week.