

Department of Developmental Services
Proposed Trailer Bill Legislation
Fiscal Year 2026-27

Federal Access Rule
FACT SHEET

1. Proposal:

The Department of Developmental Services (Department) proposes a new grievance process to comply with the federal Home and Community-Based Services (HCBS) Access Rule. This proposal also will incorporate Individual Rights complaints and Citizen complaints into a single, streamlined grievance process.

2. Background:

In April 2024, the Centers for Medicare and Medicaid Services released the HCBS Access Rule to advance access to care, quality of care, and improve health outcomes for Medicaid beneficiaries across fee-for-service and managed care delivery systems, including HCBS programs. The Access Rule requires states to establish a grievance process by July 2026. The Access Rule mandates that states oversee a 90-day resolution process and provide a second-level review of a regional center's (RC) grievance resolution upon request of an affected individual.

The Department currently has multiple complaint processes, but none of them meet the requirements necessary to comply with the new Access Rule. The proposed grievance process will consolidate the new federally mandated grievances with the existing Citizen complaint and Individual Rights complaint processes into one streamlined process available to all individuals receiving RC services and members of the public.

3. Justification for the Change:

Beginning July 2026, the Department is required to implement the HCBS Access Rule regulations regarding grievances. Grievances must be accepted regarding individual program plans not being developed in a person-centered way; services in those plans not being delivered in a person-centered way; and if someone believes their residential setting is not compliant with Home- and Community-Based Services rules. For reporting purposes and to maintain oversight of RCs, grievances are proposed to be filed with the Department and then transmitted to RCs. RCs must address the grievances and record resolutions in the Department's database. The Department will monitor compliance, provide second-level review of resolutions, and use the database to identify the need for technical assistance or corrective action.

Additionally, the Department proposes to increase accessibility, oversight, and transparency of Individual Rights complaints and Citizen complaints by sunseting existing processes and integrating them into the new Access Rule process.

Currently, Individual Rights complaints are submitted directly to RCs or the Department's State-Operated Facilities (SOF). RCs and SOFs must respond to complaints within 20 working days. If a complainant is dissatisfied with the RC or SOF response, they can appeal to the Department within 15 working days. The Department then reviews the complaint and issues a response within 45 calendar days.

Common topics of Individual Rights complaints include, but are not limited to:

- Individual Program Plan development and implementation
- Service coordination
- Service providers
- Individuals' rights violations under the Lanterman Act
- Incorrect noticing
- RC compliance with response timelines

However, due to the current statutory process, insights into systemic issues are limited as only approximately 20 percent of total complaints are appealed to the Department. Most of these complaints are resolved by a commitment to train staff or take other actions that do not benefit the complaining individual.

Complaint Type	FY 22/23	FY 23/24	FY 24/25
Total Individual Rights Complaints filed with RC/SOFs	346	437	485
Total Individual Rights Appeals filed with the Department	67	76	98

The current Citizen complaint process allows members of the general public to submit issues of concern to the Department. When the Department receives this type of complaint, they are either referred to RCs for resolution or addressed by the Department. There are no timeline or outcome requirements for Citizen complaints.

Complaint Type	FY 22/23	FY 23/24	FY 24/25
Total Citizen's Complaints	12	11	91*

** 70 of these 91 complaints were from families supported by a single vendor that ceased services.*

4. Summary of Arguments in Support:

The proposal will allow all members of the public to submit complaints directly to the Department. This proposal provides the Department with an opportunity to enhance accessibility, oversight, transparency, and accountability over Individual Rights and Citizen complaints by incorporating them into the new federally mandated Access Rule grievance process.

This integration will enable the Department to review all complaints, establish standardized timelines for these processes, and promote person-centered outcomes.

This proposal supports state compliance with federal requirements, increases complaint accessibility, and strengthens oversight, transparency, and accountability through the required reporting and publishing of complaint information from RCs and SOFs.

5. BCP or Estimate Issue # and Title:

BCP: 4300-004-BCP-2026-GB