



CMCS Informational Bulletin

DATE: February 26, 2026

FROM: Dan Brillman
Deputy Administrator, CMS
Director, Center for Medicaid and CHIP Services

SUBJECT: Exercise of Enforcement Discretion for Requirements for a Medicaid Fee-For-Service (FFS) Grievance System for Home and Community-Based Services (HCBS) Until December 2027

The Center for Medicaid and CHIP Services (CMCS) is issuing this CMCS Informational Bulletin (CIB) to announce that, until December 31, 2027, CMS does not anticipate taking enforcement action against states with respect to the FFS grievance system requirements at 42 CFR §§ 441.301(c)(7), 441.464(d)(5), 441.555(e), and 441.745(a)(1)(iii) (“FFS grievance system requirements”) that were issued as part of the *Ensuring Access to Medicaid Services* final rule (Access rule).¹ Previously, states were required to develop and implement this system by July 9, 2026.

Under the FFS grievance system requirements, a state must establish a procedure under which a beneficiary may file a grievance related to the performance of person-centered service planning (PCSP) and HCBS settings requirements. It is important to note that this system applies only to such issues arising with services provided through FFS delivery systems under the authority of sections 1915(c), 1915(i), 1915(j), and 1915(k) of the Social Security Act (the Act) or under an approved section 1115 demonstration.

We are exercising enforcement discretion to provide additional time for states to come into compliance with the FFS grievance system requirements. In our engagement since the Access rule was published, some States have indicated that they believe they need an electronic grievance system to effectively and efficiently operate their grievance systems and to support their compliance with the resolution and notification timeframes at § 441.301(c)(7)(v) and the recordkeeping requirements at § 441.301(c)(7)(vii). Some States have also indicated a preference for implementing a single electronic system that meets the grievance system requirements at

¹ [89 FR 40542 \(May 10, 2024\)](#)

§ 441.301(c)(7) and the incident management system requirements at § 441.302(a)(6). Further, some States have indicated that they will be unable to meet the July 9, 2026 applicability date that we finalized for the grievance system requirements, at least in part because of the time required to implement changes to existing electronic systems or to implement new electronic systems. While States are not required to have electronic systems to meet the FFS grievance system requirements, the exercise of enforcement discretion will support states by allowing additional time, at a state's option, to implement electronic, integrated grievance and incident management systems and to meet the reporting requirements under 42 CFR §§ 441.302(a)(6), 441.464(e), 441.570(e), and 441.745(a)(1)(v) and (b)(1). It will also allow states to focus critical resources on implementing recent federal legislation. CMS will use this time to consider proposing changes to these requirements in future notice-and-comment rulemaking. States are free to develop this grievance system prior to the conclusion of the period of enforcement discretion.

In the interim, CMS will continue to monitor state compliance with applicable PCSP and HCBS settings requirements through traditional technical assistance and existing state plan and waiver oversight mechanisms, including program reviews and waiver assurance and reporting requirements under 42 CFR §§ 430.32, 431.420, 431.428, 441.301, 441.302, and 441.303. For questions related to Medicaid FFS HCBS grievance system requirements, please contact HCBSAccessRule@cms.hhs.gov.