

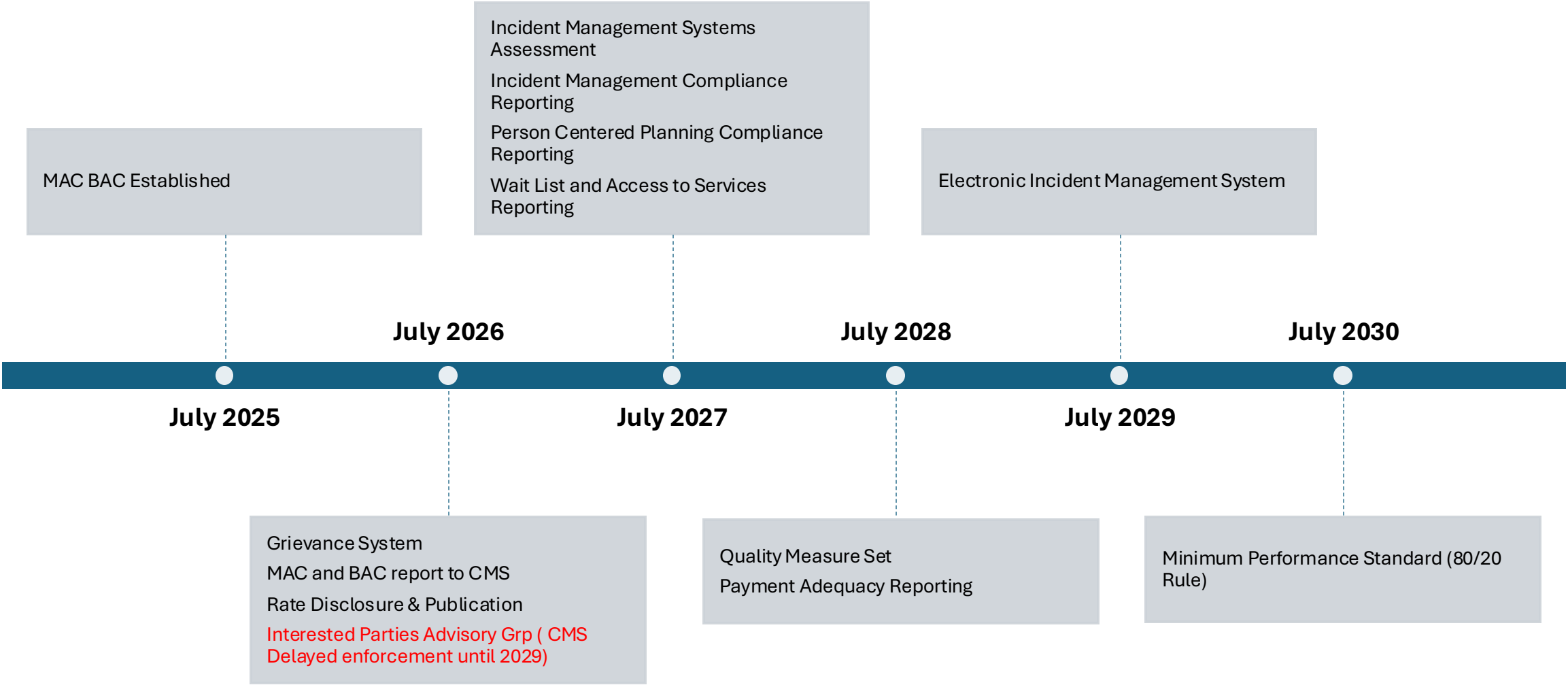
Access Rule & HCBS Waivers – What You Need to Know

The Centers for Medicare & Medicaid Services (CMS) issued the Ensuring Access to Medicaid Services Final Rule to strengthen access to care, improve rate transparency, and enhance beneficiary protections.

Key Focus Areas in Medicaid Waiver Programs

- Create a Medicaid Advisory Committee (MAC) and a Beneficiary Advisory Council (BAC)
- Person-Centered Planning (PCP) reporting
- Grievance System related to PCP and the setting rule
- Incident Management System
- Payment Transparency and Adequacy, including an Interested Parties Advisory Group
- Waitlist & Access Reporting
- State reporting on a Quality Measure Set
- Services of focus include personal care, home health aide, homemaker, and habilitation services—though names may differ by waiver program.

Six Years Staggered Timelines for Compliance Milestones



CMS has adjusted certain enforcement timelines, and the State continues to monitor for additional repeal or revisions.

Beneficiary Advisory Council (BAC)- Milestone Achieved

- Launched July 23, 2025
- 15 members: Medicaid users, caregivers & families
- Quarterly meetings to improve access, quality, equity & reduce barriers
- Includes voices from DDSD HCBS waiver programs
- Learn more: [Medicaid Beneficiary Advisory Council – New Mexico Health Care Authority](#)

Grievance System – Milestone Achieved

- DDSD moved forward with Grievance system independent of CMS delaying enforcement of this requirement
- Grievance system is now up and running
 - A grievance is an expression of dissatisfaction or complaint submitted by a DDSD constituent or stakeholder
 - Grievances include but are not limited to, the state's or a provider's performance of person-centered planning or settings requirements
 - Submit grievances online via electronic form ([Grievance Reporting Form](#)), through email, phone, or mail
 - Grievance system does not replace Abuse, Neglect or Exploitation reporting requirements or Regional Office Request for Assistance (RORA).
- Reflects prior policy development and alignment work
- For more information:
<https://www.hca.nm.gov/office-of-constituent-support/>

Interested Parties Advisory Group (IPAG)

- CMS delayed enforcement timeline until 2029
- Initial planning discussions completed by DDSD
- Further development temporarily paused
- Will reassess timing and structure with new federal direction

Fee Schedules & Payment Disclosure Requirements- Milestone Achieved



Fee schedules are already fully compliant and will continue to be publicly posted with no changes required.



Payment Disclosure due July 1, 2026

Includes aggregated average hourly payment for: Personal Care, Home Health Aide, Homemaker, and Habilitation services.

Includes # of claims and # of beneficiaries

Applies to DD Waiver and Medically Fragile Waiver

DDSD and Mercer are developing methods to convert bundled or non-hourly rates where possible and cross walk to NM service titles

Some services may be excluded from averages when hours cannot be reliably calculated.

Experience of Care Survey Chosen – Milestone Achieved

- National Core Indicators chosen
 - NCI is a collaborative initiative (since 1997) led by HSRI, NASDDDS, and ADvancing States, to measure and improve state human service systems' performance, especially for people with developmental, aging, or physical disabilities. Accepted by CMS as an Experience of Care Survey
- Survey administration planning underway now
- Survey focus areas:
 - Employment supports
 - Community inclusion
 - Choice & control
 - Rights & respect
- NCI contractor has been selected, contract awaiting signatures
- Work to start in Fiscal Year 27 (after July 1, 2026) to report to CMS by July 2028

What's Coming during July 1, 2026 to June 30, 2027 (FY27)

FY27 includes preparation for

- Waitlist reporting,
- Service Access Reporting,
- Person centered planning reporting
- NCI data collection for Quality Measure Set Reporting in 2028
- Ongoing Payment Disclosure updates.



DDSD will provide regular updates as rollout plan develops.