

# HOUSE BILL No. 1090

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-11-1.1-12.

**Synopsis:** Direct service professionals. Requires the bureau of developmental disabilities services (bureau) to: (1) semi-annually provide to each authorized service provider a report containing information concerning direct service professionals against whom substantiated incident reports have been made; and (2) establish an appeal process for a direct support professional to appeal the bureau's determination under these provisions.

**Effective:** July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Public Health.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-11-1.1-12 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: **Sec. 12. (a) As used in this section,**  
4 **"direct support professional" means an individual who:**  
5 **(1) works directly with an individual with a developmental**  
6 **disability to assist the individual to become integrated into**  
7 **the:**  
8 **(A) individual's community; or**  
9 **(B) least restrictive environment possible for the**  
10 **individual; and**  
11 **(2) is employed by an authorized service provider to provide**  
12 **services described in subdivision (1).**  
13 **(b) As used in this section, "incident" means an incident that**  
14 **results in substantial harm to the individual to whom a direct**  
15 **support professional provides services, including the following:**  
16 **(1) Sexual or physical abuse.**  
17 **(2) Financial exploitation.**



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- (3) Neglect.**
- (4) Medication error.**
- (5) Any other categories determined by the bureau.**

**(c) As used in this section, "substantiated" means that the allegations against a direct support professional were investigated and determined to be true by an entity that employed the direct support professional.**

**(d) On January 1, 2023, and July 1, 2023, and on January 1 and July 1 of each subsequent year, the bureau shall submit to each authorized service provider a report that contains the following information:**

- (1) The name of each direct support professional who has had an incident report substantiated against the direct support professional.**
- (2) The last four (4) digits of the Social Security number of a direct support professional described in subdivision (1).**
- (3) The number of substantiated reports against each direct support professional.**

**(e) The bureau shall establish an appeal process for a direct support professional to appeal the bureau's determination under this section.**

