

HOUSE BILL No. 1342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-63.5; IC 12-11-16.

Synopsis: Direct support professionals. Requires the division of disability and rehabilitative services (division) to establish and maintain a direct support professional registry. Requires a direct support professional to register with the division in order to provide direct support services. Requires the division to consult with stakeholders and establish a tiered training certification program for direct support professionals. Requires the division to issue a request for proposals before January 1, 2024, to operate the training program. Requires the division to contract with a vendor for the training program not later than July 1, 2024. Allows the division to use any federal dollars available for the registry and training. Requires the division to apply to the federal government for approval of Medicaid reimbursement for services provided by a direct support professional.

Effective: Upon passage.

Olthoff, Clere, Greene

January 17, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1342

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 12-7-2-63.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 63.5. "Direct support professional", for**
4 **purposes of IC 12-11-16, has the meaning set forth in**
5 **IC 12-11-16-1.**

6 SECTION 2. IC 12-11-16 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]:

9 **Chapter 16. Direct Support Professional Registry and Training**

10 **Sec. 1. As used in this chapter, "direct support professional"**
11 **means an individual who:**

- 12 (1) **is employed by an authorized service provider;**
- 13 (2) **is paid on an hourly basis; and**
- 14 (3) **provides any of the following support services:**
 - 15 (A) **Adult day services.**
 - 16 (B) **Prevocational services.**
 - 17 (C) **Residential habilitation and support.**



- 1 (D) Respite care.
 2 (E) Extended services, as defined in the family supports
 3 Medicaid waiver and the community integration
 4 habilitation Medicaid waiver.
 5 (F) Day habilitation, as defined in the family supports
 6 Medicaid waiver and the community integration
 7 habilitation Medicaid waiver.
 8 (G) Workplace assistance, as defined in the family supports
 9 Medicaid waiver and the community integration
 10 habilitation Medicaid waiver.
 11 (H) Transportation services.
 12 (I) Participant assistance and care, as defined in the family
 13 supports Medicaid waiver.
 14 (J) Facility based support, as defined in the family
 15 supports Medicaid waiver and the community integration
 16 habilitation Medicaid waiver.

17 **Sec. 2. (a) The division shall establish and maintain a direct**
 18 **support professional registry for direct support professionals. The**
 19 **registry must:**

- 20 (1) include a list of direct support professionals who have
 21 registered with the division in the manner required by the
 22 division; and
 23 (2) contain any substantiated complaints for abuse, neglect,
 24 and exploitation, as determined by the division for a direct
 25 support professional included on the registry.

26 (b) The division shall establish the following:

- 27 (1) An application to be used for an individual to register for
 28 the registry and renew the registration for the registry.
 29 (2) Changes in the process in which the division will
 30 investigate and substantiate complaints.
 31 (3) An appeals process as provided in IC 4-21.5 concerning a
 32 complaint in which the division has determined the complaint
 33 against a direct support professional is substantiated.

34 (c) Beginning January 1, 2025, and thereafter, an individual
 35 may not provide direct support services as a direct support
 36 professional in Indiana unless the individual is registered by the
 37 division for the registry under this chapter.

38 (d) The division may adopt rules under IC 4-22-2 necessary to
 39 implement the registry and complaint investigation procedure.

40 **Sec. 3. (a) The division shall consult with stakeholders who do**
 41 **not have a conflict of interest to do the following:**

- 42 (1) Establish standards of a competency based training



1 curriculum for direct support professionals.

2 (2) Develop procedures to improve incident reporting
3 concerning direct support professionals.

4 (b) The training curriculum established under this section must
5 include a tiered approach to training that consists of the following:

6 (1) General education and training in providing direct
7 support to individuals with intellectual disabilities or
8 developmental disabilities with the issuance of a certificate
9 upon successful completion of a standardized test.

10 (2) Specialized subcategories of additional direct support
11 professional training to allow for advanced learning and
12 enable career growth in the provision of direct support
13 services.

14 Sec. 4. (a) Before January 1, 2024, the division shall issue a
15 request for proposals in compliance with IC 5-22-9 seeking bids to
16 operate the training program with the established standards
17 determined under section 3 of this chapter.

18 (b) The division shall make every effort to contract with a
19 vendor from the request for proposals issued under subsection (a)
20 not later than July 1, 2024.

21 Sec. 5. The division may use any federal dollars available for the
22 implementation of this chapter.

23 Sec. 6. (a) Before August 30, 2023, the office of the secretary
24 shall apply to the United States Department of Health and Human
25 Services for any Medicaid waiver necessary to allow for Medicaid
26 reimbursement for Medicaid waiver covered services provided to
27 a Medicaid waiver recipient by a registered direct support
28 professional when training described in section 3(b)(1) of this
29 chapter:

30 (1) is being conducted, but has not been completed; and

31 (2) has been completed;

32 by the direct support professional.

33 (b) This section expires December 31, 2023.

34 SECTION 3. An emergency is declared for this act.

