

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 ENROLLED ACT No. 1342

AN ACT to amend the Indiana Code concerning human services.

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

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

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

Chapter 16. Direct Support Professional Registry and Training

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

- (1) employed by an authorized service provider;
- (2) paid on an hourly basis; and
- (3) defined in 460 IAC 6-3-18 (as in effect on January 1, 2023) or 460 IAC 9-1-18 (as in effect on January 1, 2023).

Sec. 2. (a) The division shall establish and maintain a direct support professional registry to be made available to authorized division personnel and authorized service providers. The registry must:

- (1) include a list of direct support professionals who have registered with the division in the manner required by the division; and



(2) contain any substantiated incidents for abuse, neglect, and exploitation that meet the criteria established according to subsection (d), as determined by the division for a direct support professional included on the registry.

(b) The division shall establish the following:

(1) An application to be used for an individual to register for the registry and renew the registration for the registry.

(2) An appeals process as provided in IC 4-21.5 concerning an incident involving a direct support professional in which the division has determined the incident meets the criteria established according to subsection (d).

(c) Beginning January 1, 2026, and thereafter, an individual may not provide direct support services as a direct support professional in Indiana unless the individual is registered by the division for the registry under this chapter.

(d) The division shall adopt rules under IC 4-22-2 necessary to implement the registry, including the establishment of definitions and levels for substantiated abuse, neglect, and exploitation, the highest of which is the minimum the division must report to the registry.

(e) The division shall report to the registry a substantiated incident that meets the criteria established according to subsection (d).

(f) An employee of the division who reports a substantiated incident that meets the criteria established according to subsection (d) to the registry in good faith is not subject to liability in:

- (1) a civil;
- (2) an administrative;
- (3) a disciplinary; or
- (4) a criminal;

action that might otherwise be imposed for reporting the information.

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

- (1) Establish standards of a competency based training curriculum for direct support professionals.
- (2) Develop procedures to improve incident reporting concerning direct support professionals.

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

- (1) General education and training in providing direct support to individuals with intellectual disabilities or



developmental disabilities with the issuance of a certificate upon successful completion of a standardized test.

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

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

(b) The division shall make every effort to contract with a vendor from the request for proposals issued under subsection (a) not later than January 1, 2025.

(c) A vendor selected under subsection (b) must begin operating the training program before July 1, 2025.

Sec. 5. (a) Subject to subsection (b), the division may use any federal dollars available for the implementation of this chapter.

(b) In developing the registry as required by section 2 of this chapter, the division shall first use any funds available from the federal American Rescue Plan Act of 2021 (P.L. 117-2). If no funds are available from the federal American Rescue Plan Act of 2021 (P.L. 117-2), the division shall use any other available funding, as necessary.

Sec. 6. (a) Before August 31, 2024, the office of the secretary shall apply to the United States Department of Health and Human Services for any Medicaid waiver necessary to allow for Medicaid reimbursement for Medicaid waiver covered services provided to a Medicaid waiver recipient by a registered direct support professional when training described in section 3(b)(1) of this chapter:

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

(2) has been completed;

by the direct support professional.

(b) This section expires December 31, 2024.

SECTION 3. IC 34-30-2.1-138.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 138.5. IC 12-11-16-2 (Concerning providing information to the direct support professional registry).

SECTION 4. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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