

117TH CONGRESS  
1ST SESSION

# S. 1437

To require the Office of Management and Budget to revise the Standard Occupational Classification system to establish a separate code for direct support professionals, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Ms. HASSAN (for herself, Ms. COLLINS, Mr. CASEY, Ms. ERNST, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To require the Office of Management and Budget to revise the Standard Occupational Classification system to establish a separate code for direct support professionals, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Recognizing the Role  
5       of Direct Support Professionals Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) Direct support professionals play a critical  
2           role in the care provided to children and adults with  
3           intellectual and developmental disabilities.

4           (2) Providers of home- and community-based  
5           services are experiencing difficulty hiring and retain-  
6           ing direct support professionals, with a national  
7           turnover rate of 45 percent as identified in a 2016  
8           study by the National Core Indicators.

9           (3) High turnover rates can lead to instability  
10          for individuals receiving services, and this may result  
11          in individuals not receiving enough personalized care  
12          to help them reach their goals for independent liv-  
13          ing.

14          (4) A discrete occupational category for direct  
15          support professionals will help States and the Fed-  
16          eral Government—

17                 (A) better interpret the shortage in the  
18                 labor market of direct support professionals;  
19                 and

20                 (B) collect data on the high turnover rate  
21                 of direct support professionals.

22          (5) The Standard Occupational Classification  
23          system is designed and maintained solely for statis-  
24          tical purposes, and is used by Federal statistical  
25          agencies to classify workers and jobs into occupa-

1 tional categories for the purpose of collecting, calcu-  
2 lating, analyzing, or disseminating data.

3 (6) Occupations in the Standard Occupational  
4 Classification system are classified based on work  
5 performed and, in some cases, on the skills, edu-  
6 cation, or training needed to perform the work.

7 (7) Establishing a discrete occupational cat-  
8 egory for direct support professionals will—

9 (A) correct an inaccurate representation in  
10 the Standard Occupational Classification sys-  
11 tem;

12 (B) recognize these professionals for the  
13 critical and often times overlooked work that  
14 they perform for the disabled community, which  
15 work is different than the work of a home  
16 health aide or a personal care aide; and

17 (C) better align the Standard Occupational  
18 Classification system with related classification  
19 systems.

20 **SEC. 3. DEFINITION OF DIRECT SUPPORT PERSONNEL.**

21 In this Act, the term “direct support personnel”  
22 means an individual who, in exchange for compensation,  
23 provides services to an individual with a disability (as de-  
24 fined in section 3 of the Americans with Disabilities Act

1 of 1990 (42 U.S.C. 12102)) that promote such individ-  
2 ual's independence, including—

3 (1) services that enhance independence and  
4 community inclusion for such individual, including  
5 traveling with such individual, attending and assist-  
6 ing such individual while visiting friends and family,  
7 shopping, or socializing;

8 (2) services such as coaching and supporting  
9 such individual in communicating needs, achieving  
10 self-expression, pursuing personal goals, living inde-  
11 pendently, and participating actively in employment  
12 or voluntary roles in the community;

13 (3) services such as providing assistance with  
14 activities of daily living (such as feeding, bathing,  
15 toileting, and ambulation) and with tasks such as  
16 meal preparation, shopping, light housekeeping, and  
17 laundry; or

18 (4) services that support such individual at  
19 home, work, school, or any other community setting.

20 **SEC. 4. REVISION OF STANDARD OCCUPATIONAL CLASSI-**  
21 **FICATION SYSTEM.**

22 The Director of the Office of Management and Budg-  
23 et shall, not later than 30 days after the date of enactment  
24 of this Act, revise the Standard Occupational Classifica-  
25 tion system to establish a separate code (31–1123) for di-

1 rect support professionals as a healthcare support occupa-  
2 tion. Such code shall be a subset of 31-1120, which in-  
3 cludes home health aides and personal care aides.

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