



February 13, 2023

HOUSE BILL No. 1342

DIGEST OF HB 1342 (Updated February 9, 2023 4:30 pm - DI 148)

Citations Affected: IC 12-7; IC 12-11.

Synopsis: Direct support professionals. Requires the division of disability and rehabilitative services (division) to establish and maintain a direct support professional registry and to make the registry available to authorized division personnel and authorized service providers. Requires a direct support professional to register with the division in order to provide direct support services. Requires the division to adopt rules to implement the registry, including establishing definitions and levels for substantiated abuse, neglect, and exploitation, the highest of which is the minimum the division must report to the registry. 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 January 1, 2025. 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, O'Brien

January 17, 2023, read first time and referred to Committee on Public Health.
January 19, 2023, reassigned to Committee on Family, Children and Human Affairs.
February 13, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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February 13, 2023

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) **is defined in 460 IAC 6-3-18 (as in effect on January 1,**
15 **2023) or 460 IAC 9-1-18 (as in effect on January 1, 2023).**
- 16 **Sec. 2. (a) The division shall establish and maintain a direct**
17 **support professional registry to be made available to authorized**

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1 division personnel and authorized service providers. The registry
2 must:

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

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

10 (b) The division shall establish the following:

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

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

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

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

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

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

31 (1) Establish standards of a competency based training
32 curriculum for direct support professionals.

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

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

37 (1) General education and training in providing direct
38 support to individuals with intellectual disabilities or
39 developmental disabilities with the issuance of a certificate
40 upon successful completion of a standardized test.

41 (2) Specialized subcategories of additional direct support
42 professional training to allow for advanced learning and



1 enable career growth in the provision of direct support
2 services.
3 **Sec. 4. (a) Before January 1, 2024, the division shall issue a**
4 **request for proposals in compliance with IC 5-22-9 seeking bids to**
5 **operate the training program with the established standards**
6 **determined under section 3 of this chapter.**
7 **(b) The division shall make every effort to contract with a**
8 **vendor from the request for proposals issued under subsection (a)**
9 **not later than January 1, 2025.**
10 **Sec. 5. The division may use any federal dollars available for the**
11 **implementation of this chapter.**
12 **Sec. 6. (a) Before August 31, 2024, the office of the secretary**
13 **shall apply to the United States Department of Health and Human**
14 **Services for any Medicaid waiver necessary to allow for Medicaid**
15 **reimbursement for Medicaid waiver covered services provided to**
16 **a Medicaid waiver recipient by a registered direct support**
17 **professional when training described in section 3(b)(1) of this**
18 **chapter:**
19 **(1) is being conducted, but has not been completed; and**
20 **(2) has been completed;**
21 **by the direct support professional.**
22 **(b) This section expires December 31, 2024.**
23 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "provides any of the following support services:" and insert "**is 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).**".

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 16.

Page 2, line 18, delete "for direct support professionals." and insert "**to be made available to authorized division personnel and authorized service providers.**".

Page 2, line 23, delete "complaints" and insert "**incidents**".

Page 2, line 24, delete "exploitation," and insert "**exploitation that meet the criteria established according to subsection (d),**".

Page 2, delete lines 29 through 30.

Page 2, line 31, delete "(3)" and insert "**(2)**".

Page 2, line 31, delete "concerning a" and insert "**concerning an**".

Page 2, line 32, delete "complaint in" and insert "**incident involving a direct support professional in**".

Page 2, line 32, delete "the complaint" and insert "**the incident meets the criteria established according to subsection (d).**".

Page 2, delete line 33.

Page 2, line 38, delete "may" and insert "**shall**".

Page 2, line 39, delete "registry and complaint investigation procedure." and insert "**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.**".

Page 2, between lines 39 and 40, begin a new paragraph and insert:

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

Page 3, line 20, delete "July 1, 2024." and insert "**January 1, 2025.**".

Page 3, line 23, delete "August 30, 2023," and insert "**August 31, 2024,**".

Page 3, line 33, delete "December 31, 2023." and insert "**December 31, 2024.**".



and when so amended that said bill do pass.

(Reference is to HB 1342 as introduced.)

DEVON

Committee Vote: yeas 11, nays 0.

