

# SENATE BILL No. 309

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Direct service provider registry. 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 October 1, 2023, to operate the training program and select a vendor. 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 during training.

**Effective:** Upon passage.

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January 12, 2023, read first time and referred to Committee on Family and Children Services.

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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.

## SENATE BILL No. 309

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 a provider who provides hands on services to an individual**  
12 **with an intellectual disability or a developmental disability to allow**  
13 **the individual to live in the least restrictive setting possible.**

14 **Sec. 2. (a) The division shall establish and maintain a direct**  
15 **support professional registry for direct support professionals. The**  
16 **registry must:**

17 **(1) include a list of direct support professionals who have**



1 registered with the division in the manner required by the  
2 division;

3 (2) be available in an electronic format for:

4 (A) staff of the office of the secretary; and

5 (B) providers of developmental disability services;

6 to determine whether an individual on the registry has a  
7 substantiated incident and the level of severity of the  
8 substantiated incident; and

9 (3) contain any substantiated complaints determined by the  
10 division for a direct support professional included on the  
11 registry.

12 (b) The division may charge an individual a fee for registration  
13 and renewal of registration for the direct support professional  
14 registry.

15 (c) The division shall establish the following:

16 (1) An application to be used for an individual to register for  
17 the direct support professional registry and renew the  
18 individual's registration for the registry.

19 (2) A registration and renewal fee for the registry.

20 (3) A process for a consumer to file a complaint with the  
21 division concerning a direct support professional.

22 (4) The process in which the division will investigate and  
23 substantiate complaints.

24 (5) An appeals process as provided in IC 4-21.5 for a direct  
25 support professional concerning a complaint in which the  
26 division has determined the complaint against a direct  
27 support professional is substantiated.

28 (d) Beginning September 1, 2023, and thereafter, an individual  
29 may not provide direct support services as a direct support  
30 professional in Indiana unless the individual is registered by the  
31 division for the registry under this chapter.

32 (e) The division may adopt rules under IC 4-22-2 necessary to  
33 implement the registry and complaint investigation procedure.

34 Sec. 3. (a) Before August 1, 2023, the division shall consult with  
35 stakeholders who do not have a conflict of interest to do the  
36 following:

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

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

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



1           **(1) General education and training in providing direct**  
 2           **support to individuals with intellectual disabilities or**  
 3           **developmental disabilities with the issuance of a certificate**  
 4           **upon successful completion of a standardized test.**

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

9           **(c) Not later than six (6) months after the implementation by the**  
 10          **division of the training program for direct support professionals of**  
 11          **competency based training described in subsection (b)(1), an**  
 12          **individual, in addition to being registered under section 2 of this**  
 13          **chapter, must have successfully completed the training and been**  
 14          **certified in order to provide direct support services in Indiana.**

15          **Sec. 4. (a) Before October 1, 2023, the division shall issue a**  
 16          **request for proposals in compliance with IC 5-22-9 seeking bids to**  
 17          **operate the training program with the established standards**  
 18          **determined under section 3 of this chapter.**

19          **(b) The division shall make every effort to contract with a**  
 20          **vendor from the request for proposals issued under subsection (a)**  
 21          **not later than January 31, 2024.**

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

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

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

32               **(2) has been completed;**

33          **by the direct support professional.**

34               **(b) This section expires December 31, 2023.**

35               **SECTION 3. An emergency is declared for this act.**

