

SENATE BILL No. 294

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-19-3-32.

Synopsis: Direct support professional registry. Requires the state department of health (department) to establish a direct support professional registry (registry). Requires an authorized service provider that hires a direct support professional to submit certain information regarding the direct support professional to the department for inclusion in the registry, and requires the authorized service provider to submit updated information to the department when the direct support professional separates from employment with the authorized service provider. Requires the department to adopt rules to implement the registry, including rules to limit access to the registry to only authorized service providers. Provides that the registry must be operational not later than January 1, 2021.

Effective: July 1, 2020.

Ruckelshaus

January 9, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 294

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 16-19-3-32 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 32. (a) The following definitions apply throughout**
4 **this section:**
5 (1) **"Direct support professional" means an individual who:**
6 (A) **works directly with an individual with a developmental**
7 **disability to assist the individual to become integrated into**
8 **the individual's community or into the least restrictive**
9 **environment possible for the individual; and**
10 (B) **is employed by an authorized service provider to**
11 **provide services described in clause (A) under a Medicaid**
12 **waiver or in a group home setting.**
13 (2) **"Registry" refers to the direct support professional**
14 **registry established under subsection (b).**
15 (b) **The state department shall establish and maintain a direct**
16 **support professional registry.**
17 (c) **The registry must:**



1 (1) comprise a data base composed of files, each of which is
 2 associated with an individual for whom an authorized service
 3 provider has submitted information to the state department
 4 under subsection (d);

5 (2) be accessible to authorized service providers; and

6 (3) allow an authorized service provider to search for an
 7 individual's file by the individual's name.

8 (d) After December 31, 2020, an authorized service provider
 9 shall, not later than thirty (30) days after hiring an individual as a
 10 direct support professional, whether on a temporary, permanent,
 11 or volunteer basis, submit the following information to the state
 12 department for inclusion in the registry:

13 (1) The individual's:

14 (A) full name;

15 (B) home address; and

16 (C) mailing address, if different from the individual's home
 17 address.

18 (2) The date, location, and provider of the individual's direct
 19 support professional training.

20 (3) Any professional or medical certifications or credentials
 21 the individual possesses.

22 (4) Each language in which the individual is proficient,
 23 including sign language.

24 (5) The date and results of the individual's most recent
 25 criminal background check.

26 (6) The name, address, and telephone number of the
 27 authorized service provider.

28 (e) Not later than thirty (30) days after an authorized service
 29 provider ceases to employ an individual as a direct support
 30 professional, the authorized service provider shall submit to the
 31 state department the following information regarding the
 32 individual:

33 (1) The date on which the individual ceased to be employed by
 34 the authorized service provider as a direct support
 35 professional.

36 (2) Any information described under subsection (d) that has
 37 changed since the authorized service provider submitted the
 38 information under subsection (d).

39 (f) Not later than thirty (30) days after receiving information
 40 regarding an individual under subsection (d), the state department
 41 shall:

42 (1) create a file for the individual in the registry, if the state



- 1 department has not already created a file for the individual in
2 the registry; or
3 (2) update the individual's file in the registry with the
4 information received under subsection (d).
5 (g) Not later than thirty (30) days after receiving information
6 regarding an individual under subsection (e), the state department
7 shall update the individual's file in the registry with the
8 information received under subsection (e).
9 (h) The state department shall adopt rules under IC 4-22-2 to
10 implement this section, including rules to limit access to the
11 registry to only authorized service providers.
12 SECTION 2. [EFFECTIVE JULY 1, 2020] (a) The definitions set
13 forth in IC 16-19-3-32, as added by this act, apply throughout this
14 SECTION.
15 (b) Notwithstanding IC 16-19-3-32, as added by this act, the
16 direct support professional registry required under IC 16-19-3-32,
17 as added by this act, must be fully operational not later than
18 January 1, 2021. Full operation includes the ability of the registry
19 to:
20 (1) store and display information entered into the registry by
21 the state department of health under IC 16-19-3-32, as added
22 by this act;
23 (2) be accessed by authorized service providers as required
24 under rules adopted by the state department of health under
25 IC 16-19-3-32, as added by this act; and
26 (3) allow an authorized service provider to search for an
27 individual's file in the registry by the individual's name.
28 (c) This SECTION expires July 1, 2021.

