

116TH CONGRESS
2D SESSION

S. 3369

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.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2020

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

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 oftentimes 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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