

Calendar No. 253

118TH CONGRESS
1ST SESSION

S. 1332

[Report No. 118–116]

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

APRIL 27, 2023

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

NOVEMBER 30, 2023

Reported by Mr. PETERS, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italie*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Direct support professionals play a critical
7 role in the care provided to individuals with intellec-
8 tual and developmental disabilities.

9 (2) Providers of home- and community-based
10 services are experiencing difficulty hiring and retain-
11 ing direct support professionals, with a national
12 turnover rate of 43 percent, as identified in a 2021
13 study by the National Core Indicators, and full-time
14 vacancy rates increasing by 94 percent between
15 2019 and 2021.

16 (3) High turnover rates can lead to instability
17 for individuals receiving services, and this may result
18 in individuals not receiving enough personalized care
19 to help them reach their goals for independent liv-
20 ing.

21 (4) A discrete occupational category for direct
22 support professionals will help States and the Fed-
23 eral Government—

24 (A) better interpret the shortage in the
25 labor market of direct support professionals;
26 and

1 ~~(B) collect data on the high turnover rate~~
 2 ~~of direct support professionals.~~

3 ~~(5) The Standard Occupational Classification~~
 4 ~~system is designed and maintained solely for statis-~~
 5 ~~tical purposes, and is used by Federal statistical~~
 6 ~~agencies to classify workers and jobs into occupa-~~
 7 ~~tional categories for the purpose of collecting, calcu-~~
 8 ~~lating, analyzing, or disseminating data.~~

9 ~~(6) Occupations in the Standard Occupational~~
 10 ~~Classification system are classified based on work~~
 11 ~~performed and, in some cases, on the skills, edu-~~
 12 ~~cation, or training needed to perform the work.~~

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

15 ~~(A) correct an inaccurate representation in~~
 16 ~~the Standard Occupational Classification sys-~~
 17 ~~tem;~~

18 ~~(B) recognize these professionals for the~~
 19 ~~critical and often overlooked work that they~~
 20 ~~perform for the disabled community, which~~
 21 ~~work is different than the work of a home~~
 22 ~~health aide or a personal care aide; and~~

23 ~~(C) better align the Standard Occupational~~
 24 ~~Classification system with related classification~~
 25 ~~systems.~~

1 **SEC. 3. DEFINITION OF DIRECT SUPPORT PROFESSIONAL.**

2 In this Act, the term “direct support professional”
3 means an individual who, in exchange for compensation,
4 provides services to an individual with an intellectual dis-
5 ability or a developmental disability (as defined in section
6 102 of the Developmental Disabilities Assistance and Bill
7 of Rights Act of 2000 (42 U.S.C. 15002)) that promote
8 such individual’s independence, including—

9 (1) services that enhance independence and
10 community inclusion for such individual, including
11 traveling with such individual, attending and assist-
12 ing such individual while visiting friends and family,
13 shopping, or socializing;

14 (2) services such as coaching and supporting
15 such individual in communicating needs, achieving
16 self-expression, pursuing personal goals, living inde-
17 pendently, and participating actively in employment
18 or voluntary roles in the community;

19 (3) services such as providing assistance with
20 activities of daily living (such as feeding, bathing,
21 toileting, and ambulation) and with tasks such as
22 meal preparation, shopping, light housekeeping, and
23 laundry; or

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

1 **SEC. 4. REVISION OF STANDARD OCCUPATIONAL CLASSI-**
 2 **FICATION SYSTEM.**

3 The Director of the Office of Management and Budget
 4 et shall, not later than 30 days after the date of enactment
 5 of this Act, revise the Standard Occupational Classifica-
 6 tion system to establish a separate code (31-1123) for di-
 7 rect support professionals as a healthcare support occupa-
 8 tion. Such code shall be a subset of 31-1120, which in-
 9 cludes home health aides and personal care aides.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Recognizing the Role*
 12 *of Direct Support Professionals Act”.*

13 **SEC. 2. FINDINGS.**

14 *Congress finds the following:*

15 *(1) Direct support professionals play a critical*
 16 *role in the care provided to individuals with intellec-*
 17 *tual and developmental disabilities by providing a*
 18 *wide range of supportive services on a day-to-day*
 19 *basis to promote independence, including—*

20 *(A) enhancing independence and commu-*
 21 *nity inclusion of these individuals, including*
 22 *through travel and recreation, visiting friends*
 23 *and family, shopping, or socializing;*

24 *(B) coaching and supporting individuals in*
 25 *communicating needs, achieving self-expression,*
 26 *pursuing personal goals, living independently,*

1 *and participating actively in employment or vol-*
 2 *untary roles in the community;*

3 *(C) providing assistance with activities of*
 4 *independent daily living (such as feeding, bath-*
 5 *ing, toileting, and ambulation) and with tasks*
 6 *such as meal preparation, shopping, light house-*
 7 *keeping, laundry, and home management; or*

8 *(D) supporting individuals at home, work,*
 9 *school, or any other community setting.*

10 *(2) Through the support of direct support profes-*
 11 *sionals, individuals are able to lead self-directed lives*
 12 *within their own communities.*

13 *(3) Providers of home- and community-based*
 14 *services are experiencing difficulty hiring and retain-*
 15 *ing direct support professionals, with a national*
 16 *turnover rate of 43 percent, as identified in a 2021*
 17 *study by the National Core Indicators, and full-time*
 18 *vacancy rates increasing by 94 percent between 2019*
 19 *and 2021.*

20 *(4) High turnover rates can lead to instability*
 21 *for individuals receiving services, and this may result*
 22 *in individuals not receiving enough personalized care*
 23 *to help them reach their goals for independent living.*

1 (5) *A discrete occupational category for direct*
 2 *support professionals will help States and the Federal*
 3 *Government—*

4 (A) *better interpret the shortage in the labor*
 5 *market of direct support professionals; and*

6 (B) *collect data on the high turnover rate of*
 7 *direct support professionals.*

8 (6) *The Standard Occupational Classification*
 9 *system is designed and maintained solely for statis-*
 10 *tical purposes, and is used by Federal statistical*
 11 *agencies to classify workers and jobs into occupa-*
 12 *tional categories for the purpose of collecting, calcu-*
 13 *lating, analyzing, or disseminating data.*

14 (7) *Occupations in the Standard Occupational*
 15 *Classification system are classified based on work per-*
 16 *formed and, in some cases, on the skills, education, or*
 17 *training needed to perform the work.*

18 (8) *Establishing a discrete occupational category*
 19 *for direct support professionals will—*

20 (A) *correct an inaccurate representation in*
 21 *the Standard Occupational Classification sys-*
 22 *tem;*

23 (B) *recognize these professionals for the crit-*
 24 *ical and often overlooked work that they perform*
 25 *for the disabled community, which work is dif-*

1 ferent than the work of a home health aide or a
2 personal care aide; and

3 (C) better align the Standard Occupational
4 Classification system with related classification
5 systems.

6 **SEC. 3. REVISION OF STANDARD OCCUPATIONAL CLASSI-**
7 **FICATION SYSTEM.**

8 *The Director of the Office of Management and Budget*
9 *shall, as part of the first revision of the Standard Occupa-*
10 *tional Classification system occurring after the date of en-*
11 *actment of this Act, consider revising the Standard Occupa-*
12 *tional Classification system to establish a separate code for*
13 *direct support professionals as a healthcare support occupa-*
14 *tion.*

15 **SEC. 4. REPORT TO CONGRESS.**

16 *If, after carrying out section 3, the Director of the Of-*
17 *fice of Management and Budget decides not to establish a*
18 *separate code for direct support professionals in the Stand-*
19 *ard Occupational Classification system, the Director shall,*
20 *by not later than 30 days after the first revision of the*
21 *Standard Occupational Classification system occurring*
22 *after the date of enactment of this Act, submit a report to*
23 *the Committee on Homeland Security and Governmental*
24 *Affairs of the Senate and the Committee on Education and*

1 *the Workforce of the House of Representatives explaining*
 2 *the Office of Management and Budget's decision.*

3 ***SEC. 5. NO NEW FUNDS.***

4 *No additional funds are authorized to be appropriated*
 5 *to carry out this Act.*

Amend the title so as to read: “A bill to require the Office of Management and Budget to consider revising the Standard Occupational Classification system to establish a separate code for direct support professionals, and for other purposes.”.

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