

1 ENGROSSED SENATE
2 BILL NO. 1819

By: Crain and Johnson
(Constance) of the Senate

3 and

4 Cox of the House

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6
7 [Direct Support Professional Advisory Council -

8 report - codification -

9 emergency]

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-1985 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this act:

17 1. "Direct support" means environmental or chore services,
18 health monitoring and maintenance, assistance with instrumental
19 activities of daily living, assistance with personal care activities
20 of daily living, personal care support, or specialty skill services;
21 and

22 2. "Direct support professional" means an individual who
23 directly provides or assists a consumer in the care of the consumer
24 by providing direct care in a variety of settings which may or may

1 not require supervision of the direct support professional,
2 depending on the setting and the skills that the direct support
3 professional possesses and based on education and certification.

4 B. There is hereby created the Direct Support Professional
5 Advisory Council. The Advisory Council shall be composed of the
6 following members:

7 1. One representative of the Aging Services Division of the
8 Department of Human Services to be appointed by the Director of the
9 Department of Human Services;

10 2. One representative of the Opportunities for Living Life
11 Division of the Oklahoma Health Care Authority to be appointed by
12 the Executive Director of the Oklahoma Health Care Authority;

13 3. One representative of the State Department of Health to be
14 appointed by the State Commissioner of Health;

15 4. One representative of the Department of Mental Health and
16 Substance Abuse Services to be appointed by the Commissioner of
17 Mental Health and Substance Abuse Services;

18 5. One direct support professional not employed by the state to
19 be appointed by the Director of the Department of Human Services;

20 6. One health professional that is not a direct support
21 professional to be appointed by the State Commissioner of Health;

22 7. One consumer of direct support services to be appointed by
23 the Executive Director of the Oklahoma Health Care Authority;

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1 8. One representative of the State Department of Rehabilitation
2 Services to be appointed by the Director of the State Department of
3 Rehabilitation Services;

4 9. One representative of each institution within the Oklahoma
5 State System of Higher Education involved in training direct support
6 professionals to be appointed by the president of the institution;

7 10. Such other members from public or private organizations or
8 individuals as the appointing authorities deem advisable, limited to
9 one additional appointment each.

10 C. The initial Advisory Council members shall be appointed by
11 September 1, 2010. The first meeting of the Advisory Council shall
12 be held no later than November 1, 2010.

13 D. Advisory Council members employed by the state shall be
14 reimbursed by their respective state agency pursuant to the State
15 Travel Reimbursement Act. All other Advisory Council members shall
16 be reimbursed by the agency of the appointing authority pursuant to
17 the State Travel Reimbursement Act.

18 E. The Advisory Council shall be staffed jointly by the Aging
19 Services Division of the Department of Human Services and the
20 Opportunities for Living Life Division of the Oklahoma Health Care
21 Authority.

22 F. The appointees from the Aging Services Division of the
23 Department of Human Services and the Opportunities for Living Life
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1 Division of the Oklahoma Health Care Authority shall serve as
2 cochairs of the Advisory Council.

3 G. The Advisory Council shall study and make recommendations to
4 the Governor, the Legislature, and the leaders of the participating
5 agencies regarding the regulation and certification of direct
6 support professionals and shall develop recommendations that shall
7 include, but not be limited to:

8 1. Maximizing portability and recognition of skills from one
9 classification of direct support professional to another;

10 2. Minimizing redundancy in training requirements when a direct
11 support professional changes employment;

12 3. Introducing, to the extent possible, uniformity in
13 describing the requirements and standards for certification for each
14 classification of direct support professional; and

15 4. Organizing the functions, standards, education, curriculum,
16 and training requirements of the various certifications of direct
17 support professionals in order to create a "career ladder" that will
18 decrease cost and increase quality of direct support services.

19 H. The Advisory Council shall report its findings and
20 recommendations together with any recommended changes in statutes
21 and administrative rules to accomplish its recommendations to the
22 Governor, the Speaker of the House of Representatives, and the
23 President Pro Tempore of the Senate by November 30, 2011.

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1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 Passed the Senate the 1st day of March, 2010.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,
10 2010.

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Presiding Officer of the House
of Representatives

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