

SENATE, No. 3581

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 22, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Establishes New Jersey Direct Support Professional Core Competency Working Group.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning direct support professional core competencies.

2

3 **BE IT ENACTED** *by the Senate and General Assembly of the State*
4 *of New Jersey:*

5

6 1. The Legislature finds and declares:

7 a. Direct support professionals (DSPs) are the primary
8 providers of publicly funded long-term support and services for
9 individuals with disabilities;

10 b. DSPs provide a broad range of support to individuals with
11 disabilities, including: preparation of meals; helping with
12 medications; assisting with bathing, dressing, and other aspects of
13 daily living; assisting individuals with physical disabilities in
14 accessing their environment; providing transportation to school,
15 work, religious, and recreational activities; facilitating the
16 community participation and inclusion of people with disabilities;
17 assisting with the development of relationships; building skills;
18 medical, behavioral, and mental health supports; and helping with
19 general daily affairs, such as assisting with financial matters,
20 medical appointments, and personal interests;

21 c. Individuals with disabilities are supported by these
22 professionals in making choices that lead to meaningful, productive
23 lives and these professionals are integral in helping individuals with
24 disabilities live within their communities amongst friends and
25 family, avoiding more costly institutional care;

26 d. With a growing demand, due to high turnover, persistent
27 vacancies, a shrinking labor pool, competition with other service
28 sectors, and the aging of family caregivers, it is critical that staff be
29 effectively trained and supervised to deliver high quality supports to
30 the intellectual and developmental disabilities (I/DD) community;

31 e. Currently, the Division of Developmental Disabilities,
32 through its Supports Program and Community Care Program Policy
33 Manuals, mandates that training is required prior to working with
34 individuals or within 90 days of hire. This training focuses heavily
35 on orientation and pre-service topics. There is a minimum
36 requirement of 12 hours of professional development annually, with
37 no specifications to the topics that should be addressed;

38 f. There is a growing trend in the industry that training rooted
39 in a comprehensive series of skills, knowledge, and ethical
40 standards not only allows DSPs to perform at a level of excellence
41 in their jobs, but also affords the opportunity for professional
42 development and a career path. Training that uses this competency-
43 based approach and is purposefully designed results in the DSP
44 being able to demonstrate skills related to the identified, standard
45 competency set;

46 g. DSP workforce development programs focused on
47 competency areas have been deemed essential by the Centers for

1 Medicare and Medicaid Services and the United States Department
2 of Labor;

3 h. Competency-based training is an avenue to achieve a highly
4 knowledgeable, skilled, and engaged direct support workforce;
5 thereby improving the quality of life for individuals who use direct
6 support services;

7 i. It is therefore in the best interest of New Jersey to adopt a
8 standardized set of Statewide core competencies designed to
9 strengthen and professionalize the DSP workforce.

10

11 2. a. There is established a working group in, but not of, the
12 Department of Human Services which shall be known as the New
13 Jersey Direct Support Professional (DSP) Core Competency
14 Working Group. The purpose of this working group, in partnership
15 with the Division of Developmental Disabilities, shall be to adopt a
16 set of standard Statewide DSP competencies designed to ensure a
17 more consistent level of expertise among DSPs who provide
18 supports in New Jersey's adult intellectual and developmental
19 disabilities (I/DD) community.

20 b. The working group shall include 19 members, as follows:

21 (1) The Commissioner of Human Services, or the
22 commissioner's designee, and the Director of the Division of
23 Developmental Disabilities, or the director's designee, who both
24 shall serve ex officio; and

25 (2) 17 public members appointed by the Commissioner of
26 Human Services who shall include: one representative each from
27 the Boggs Center on Developmental Disabilities, the Arc of New
28 Jersey, the New Jersey Council on Developmental Disabilities, the
29 Alliance for the Betterment of Citizens with Disabilities, the New
30 Jersey Association of Community Providers, Autism New Jersey, the
31 Family Support Coalition of New Jersey, the Family Resource
32 Network, the New Jersey Statewide Self-Advocacy Network, the
33 New Jersey Community College Consortium, and the Statewide
34 Regional Family Support Planning Councils; and two individuals
35 currently employed as DSPs, two individuals who are family members
36 of individuals within the I/DD community who are supported by
37 DSPs, and two individuals within the I/DD community who are
38 supported by DSPs.

39 c. The members of the group, at a minimum, shall:

40 (1) compile nationally recognized DSP and frontline supervisor
41 competency sets, as well as best practices in DSP training as
42 implemented by industry-recognized entities;

43 (2) investigate National Alliance for Direct Support
44 Professionals accredited training programs and, as needed, obtain
45 information about how to get new programs accredited;

46 (3) perform a Statewide survey of training opportunities offered
47 at organizations that provide community services to adults with
48 I/DD and employ DSPs and frontline supervisors, and identify any

1 gaps in that training to support a knowledgeable and skilled direct
2 support workforce;

3 (4) adopt, through a collaborative process with stakeholders, the
4 New Jersey DSP Core Competency Standards targeted to the needs
5 of the State's I/DD system and outlining the comprehensive series
6 of skill, knowledge, and ethical standards that DSPs working in the
7 State must master;

8 (5) develop evaluation and documentation tools for use by
9 frontline supervisors and other facility managers to support DSPs in
10 meeting the New Jersey DSP Core Competency Standards; and

11 (6) identify and compile an online library of in-person and
12 virtual learning resources for each area of the New Jersey DSP Core
13 Competency Standards.

14 d. The working group shall organize as soon as practicable
15 following the appointment of its members. The Commissioner of
16 Human Services shall select a public member of the group to serve as
17 co-chair, alongside the Director of the Division of Developmental
18 Disabilities, or the director's designee. The co-chairpersons shall
19 appoint a secretary who need not be a member of the working
20 group.

21 (1) The public members shall serve without compensation, but
22 shall be reimbursed for necessary expenses incurred in the
23 performance of their duties and within the limits of funds available
24 to the working group.

25 (2) The working group shall be entitled to the assistance and
26 services of the employees of any State, county, or municipal
27 department, board, bureau, commission, or agency as it may require
28 and as may be available for its purposes. The Department of
29 Human Services shall provide staff support to the working group.

30 e. Upon completion of the tasks outlined in subsection c. of
31 this section, the working group shall report to the Governor and the
32 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
33 19.1), a summary of its actions, as well as recommendations
34 regarding the: (1) adoption of the New Jersey Core Competency
35 Standards and the implementation of a State DSP Certificate or
36 credentialing process; (2) adoption of a Front Line Supervisor Core
37 Competency Set; and (3) continuation of the working group beyond
38 the scope of this act in order to achieve these goals.

39

40 3. This act shall take effect immediately and shall expire upon
41 the submission of the report pursuant to subsection e. of section 2 of
42 this act.

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STATEMENT

46

47 This bill establishes the New Jersey Direct Support Professional
48 (DSP) Core Competency Working Group, an in but not of entity in

1 the Department of Human Services (DHS). The purpose of this
2 working group, in partnership with the Division of Developmental
3 Disabilities (DDD) in the DHS, is to adopt a set of standard
4 Statewide DSP competencies designed to ensure a more consistent
5 level of expertise among DSPs who provide supports in New
6 Jersey's adult intellectual and developmental disabilities (I/DD)
7 community.

8 DSPs are the primary providers of publicly funded long-term
9 support and services for individuals with disabilities. Individuals
10 with disabilities are supported by these professionals in making
11 choices that lead to meaningful, productive lives and these
12 professionals are integral in helping individuals with disabilities
13 live within their communities amongst friends and family, avoiding
14 more costly institutional care.

15 With a growing demand, due to high turnover, persistent
16 vacancies, a shrinking labor pool, competition with other service
17 sectors, and the aging of family caregivers, it is critical that staff be
18 effectively trained and supervised to deliver high quality supports to
19 the I/DD community. Training that uses a competency-based
20 approach is purposefully designed to result in the DSP being able to
21 demonstrate skills related to the identified, standard competency
22 set. Competency-based training is an avenue to achieve a highly
23 knowledgeable, skilled, and engaged workforce, resulting in a
24 higher quality of life for individuals who use direct support
25 services.

26 Under the bill, the working group is to include 19 members, as
27 follows:

28 1) The Commissioner of Human Services, or the
29 commissioner's designee, and the Director of the Division of DDD,
30 or the director's designee, who both shall serve ex officio; and

31 2) 17 public members appointed by the Commissioner of
32 Human Services who shall include: one representative each from
33 the Boggs Center on Developmental Disabilities, the Arc of New
34 Jersey, the New Jersey Council on Developmental Disabilities, the
35 Alliance for the Betterment of Citizens with Disabilities, the New
36 Jersey Association of Community Providers, Autism New Jersey, the
37 Family Support Coalition of New Jersey, the Family Resource
38 Network, the New Jersey Statewide Self-Advocacy Network, the
39 New Jersey Community College Consortium, and the Statewide
40 Regional Family Support Planning Councils; and two individuals
41 currently employed as DSPs, two individuals who are family members
42 of individuals within the I/DD community who are supported by
43 DSPs, and two individuals within the I/DD community who are
44 supported by DSPs.

45 The members of the group, at a minimum, are directed to:

46 1) compile nationally recognized DSP and frontline supervisor
47 competency sets, as well as best practices in DSP training as
48 implemented by industry-recognized entities;

- 1 2) investigate National Alliance for Direct Support
2 Professionals accredited training programs and, as needed, obtain
3 information about how to get new programs accredited;
- 4 3) perform a Statewide survey of training opportunities offered
5 at organizations that provide community services to adults with
6 I/DD and employ DSPs and frontline supervisors, and identify any
7 gaps in that training to support a knowledgeable and skilled direct
8 support workforce;
- 9 4) adopt, through a collaborative process with stakeholders, the
10 New Jersey DSP Core Competency Standards targeted to the needs
11 of the State's I/DD system and outlining the comprehensive series
12 of skill, knowledge, and ethical standards that DSPs working in the
13 State must master;
- 14 5) develop evaluation and documentation tools for use by
15 frontline supervisors and other facility managers to support DSPs in
16 meeting the New Jersey DSP Core Competency Standards; and
- 17 6) identify and compile an online library of in-person and
18 virtual learning resources for each area of the New Jersey DSP Core
19 Competency Standards.

20 The bill directs the working group to organize as soon as
21 practicable following the appointment of its members. The
22 Commissioner of Human Services is to select a public member of the
23 group to serve as co-chair, alongside the Director of the Division of
24 Developmental Disabilities, or the director's designee. The bill directs
25 the co-chairpersons to appoint a secretary who need not be a
26 member of the working group.

27 The public members are to serve without compensation, but are
28 to be reimbursed for necessary expenses incurred in the
29 performance of their duties and within the limits of funds available
30 to the working group. Furthermore, the working group is to be
31 entitled to the assistance and services of the employees of any State,
32 county, or municipal department, board, bureau, commission, or
33 agency as it may require and as may be available for its purposes.
34 The Department of Human Services is required to provide staff
35 support to the working group.

36 Upon completion of the tasks outlined in the bill, the working
37 group is required to report to the Governor and the Legislature a
38 summary of its actions, as well as recommendations regarding the:
39 (1) adoption of the New Jersey Core Competency Standards and the
40 implementation of a State DSP Certificate or credentialing process;
41 (2) adoption of a Front Line Supervisor Core Competency Set; and
42 (3) continuation of the working group beyond the scope of this act
43 in order to achieve these goals.

44 Establishes New Jersey Direct Support Professional Core
45 Competency Working Group.