

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1677 Session of 2017

INTRODUCED BY ORTITAY, WARD, WATSON, WHEELAND, D. MILLER AND PHILLIPS-HILL, JULY 21, 2017

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 20, 2017

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 further providing for meeting special needs and work supports
5 and incentives and for employment incentive payments; in <--
6 departmental powers and duties as to supervision, further
7 providing for definitions; and, in departmental powers and
8 duties as to licensing, further providing for definitions.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Sections 408(b) and 491(c)(2) of the act of June <--
12 13, 1967 (P.L.31, No.21), known as the Human Services Code, are
13 amended to read:

14 SECTION 1. SECTION 408(B) OF THE ACT OF JUNE 13, 1967 <--
15 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE, IS AMENDED TO
16 READ:

17 Section 408. Meeting Special Needs; Work Supports and
18 Incentives.--* * *

19 (b) The department may provide assistance to recipients for
20 child [day] care when the department has determined that, <--

<--

1 without such services, the recipient would be exempt from
2 compliance with the conditions of the agreement of mutual
3 responsibility or work requirements or when a former recipient
4 who is employed has ceased to receive cash assistance for a
5 reason other than a sanction for noncompliance with an
6 eligibility condition. In establishing the time limits and
7 levels of access to child [day-care] care funds, the department
8 shall take into account availability, costs and the number of
9 assistance groups needing services within the geographic area
10 and shall seek to provide essential services to the greatest
11 number of recipients.

12 * * *

13 ~~Section 491. Employment Incentive Payments. * * *~~

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14 ~~(c) * * *~~

15 ~~(2) If the employer provides or pays for [day] child care~~
16 ~~services for the children of the employe, the employer shall be~~
17 ~~eligible to receive an additional employment incentive payment~~
18 ~~of six hundred dollars (\$600) during the first year of~~
19 ~~employment, five hundred dollars (\$500) during the second year~~
20 ~~of employment, and four hundred dollars (\$400) during the third~~
21 ~~year of employment.~~

22 * * *

23 Section 2. The definitions of "child day care" and
24 "children's institutions" in section 901 of the act, amended or
25 added December 28, 2015 (P.L.500, No.92), are amended to read:

26 Section 901. Definitions.--As used in this article--

27 "Child [day] care" means care in lieu of parental care given
28 for part of the twenty-four hour day to a child under sixteen
29 years of age, away from the child's home but does not include
30 child [day] care furnished in a place of worship during

1 religious services.

2 "Children's institutions" means any incorporated or
3 unincorporated organization, society, corporation or agency,
4 public or private, which may receive or care for children, or
5 place them in foster family homes, either at board, wages or
6 free; or any individual who, for hire, gain or reward, receives
7 for care a child, unless he is related to such child by blood or
8 marriage within the second degree; or any individual, not in the
9 regular employ of the court or of an organization, society,
10 association or agency, duly certified by the department, who in
11 any manner becomes a party to the placing of children in foster
12 homes, unless he is related to such children by blood or
13 marriage within the second degree, or is the duly appointed
14 guardian thereof. The term shall not include a family child care
15 home or child [day] care center operated for profit and subject
16 to the provisions of Article X.

17 * * *

18 Section 3. The definitions of "child day care," "child day
19 care center," "facility" and "family child care home" in section
20 1001 of the act, amended or added December 28, 2015 (P.L.500,
21 No.92), are amended to read:

22 Section 1001. Definitions.--As used in this article--

23 * * *

24 "Child [day] care" means care in lieu of parental care given
25 for part of the twenty-four hour day to children under sixteen
26 years of age, away from their own homes, but does not include
27 child [day] care furnished in places of worship during religious
28 services.

29 "Child [day] care center" means any premises operated for
30 profit in which child [day] care is provided simultaneously for

1 seven or more children who are not relatives of the operator,
2 except such centers operated under social service auspices.

3 * * *

4 "Facility" means an adult day care center, child [day] care
5 center, family child care home, boarding home for children,
6 mental health establishment, personal care home, assisted living
7 residence, nursing home, hospital or maternity home, as defined
8 herein, except to the extent that such a facility is operated by
9 the State or Federal governments or those supervised by the
10 department or licensed pursuant to the act of July 19, 1979
11 (P.L.130, No.48), known as the "Health Care Facilities Act."

12 "Family child care home" means a home where child [day] care
13 is provided at any time to no less than four children and no
14 more than six children who are not relatives of the caregiver.

15 * * *

16 Section 4. Within one year of the effective date of this
17 section, the Department of Human Services shall amend any
18 regulation at 55 Pa. Code Pt. V that uses the term "day care" as
19 it relates to children and replace the term with the term "child
20 care."

21 Section 5. This act shall take effect in 60 days.