

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1742 Session of
2017

INTRODUCED BY MEHAFFIE, SOLOMON, MILLARD, MUSTIO, THOMAS, RYAN,
STURLA, LEWIS, WARD, V. BROWN, ROEBUCK, SCHLOSSBERG, NEILSON,
WATSON, DALEY, DONATUCCI, BRADFORD, CONKLIN AND MURT,
AUGUST 24, 2017

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 23, 2018

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 departmental powers and <--~~
4 ~~duties as to supervision, providing for Keystone STARS-~~
5 ~~Program participants.~~ IN DEPARTMENTAL POWERS AND DUTIES AS TO <--
6 SUPERVISION, FURTHER PROVIDING FOR DEFINITIONS AND PROVIDING
7 FOR KEYSTONE STARS PROGRAM PARTICIPANTS; AND, IN DEPARTMENTAL
8 POWERS AND DUTIES AS TO LICENSING, FURTHER PROVIDING FOR
9 DEFINITIONS AND FOR FEES AND PROVIDING FOR KEYSTONE STARS
10 PROGRAM PARTICIPANTS.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. The act of June 13, 1967 (P.L.31, No.21), known <--~~
14 ~~as the Human Services Code, is amended by adding a section to-~~
15 ~~read:~~

16 ~~Section 923. Keystone STARS Program Participants. (a) Each~~
17 ~~child day care provider enrolled in the Keystone STARS Program~~
18 ~~shall:~~

19 ~~(1) conspicuously denote on its publicly accessible Internet~~
20 ~~website, if operational, its designated STAR level rating,~~

1 ~~which shall include how many STARS out of four that the child~~
2 ~~day care provider has received; and~~

3 ~~(2) obtain a department issued placard that denotes the~~
4 ~~facility's participation in the Keystone STARS Program and~~
5 ~~designated STAR level rating.~~

6 ~~(b) The department shall be responsible for issuing placards~~
7 ~~to program enrollees. The department shall also be responsible~~
8 ~~for designing placards in the following manner:~~

9 ~~(1) The placards shall be clear, visible and readable by the~~
10 ~~general public.~~

11 ~~(2) In addition to any guidelines issued by the department~~
12 ~~regarding the form of the placards, placards shall include the~~
13 ~~following information:~~

14 ~~(i) The name of the recipient facility.~~

15 ~~(ii) The name of the agency that issued the placard.~~

16 ~~(iii) The date the agency issued the placard.~~

17 ~~(iv) The number of STARS out of four that the child day care~~
18 ~~provider has received.~~

19 ~~(v) The address, phone number, publicly accessible Internet~~
20 ~~website and e mail address of the agency that issued the~~
21 ~~placard.~~

22 ~~(c) Placards shall be posted in any public facing window on~~
23 ~~or adjacent to the entrance of the child day care facility.~~

24 ~~(d) A child day care provider that fails to publicly display~~
25 ~~its designated STAR level rating or alters a department issued~~
26 ~~placard in an attempt to misrepresent the facility's STAR level~~
27 ~~rating may be subject to any penalties that the department deems~~
28 ~~appropriate.~~

29 ~~Section 2. This act shall take effect in 180 days.~~

30 SECTION 1. THE DEFINITIONS OF "CHILD DAY CARE" AND

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1 "CHILDREN'S INSTITUTIONS" IN SECTION 901 OF THE ACT OF JUNE 13,
2 1967 (P.L.31, NO.21), KNOWN AS THE HUMAN SERVICES CODE, ARE
3 AMENDED TO READ:

4 SECTION 901. DEFINITIONS.--AS USED IN THIS ARTICLE--

5 "CHILD [DAY] CARE" MEANS CARE IN LIEU OF PARENTAL CARE GIVEN
6 FOR PART OF THE TWENTY-FOUR HOUR DAY TO A CHILD UNDER SIXTEEN
7 YEARS OF AGE, AWAY FROM THE CHILD'S HOME BUT DOES NOT INCLUDE
8 CHILD [DAY] CARE FURNISHED IN A PLACE OF WORSHIP DURING
9 RELIGIOUS SERVICES.

10 "CHILDREN'S INSTITUTIONS" MEANS ANY INCORPORATED OR
11 UNINCORPORATED ORGANIZATION, SOCIETY, CORPORATION OR AGENCY,
12 PUBLIC OR PRIVATE, WHICH MAY RECEIVE OR CARE FOR CHILDREN, OR
13 PLACE THEM IN FOSTER FAMILY HOMES, EITHER AT BOARD, WAGES OR
14 FREE; OR ANY INDIVIDUAL WHO, FOR HIRE, GAIN OR REWARD, RECEIVES
15 FOR CARE A CHILD, UNLESS HE IS RELATED TO SUCH CHILD BY BLOOD OR
16 MARRIAGE WITHIN THE SECOND DEGREE; OR ANY INDIVIDUAL, NOT IN THE
17 REGULAR EMPLOY OF THE COURT OR OF AN ORGANIZATION, SOCIETY,
18 ASSOCIATION OR AGENCY, DULY CERTIFIED BY THE DEPARTMENT, WHO IN
19 ANY MANNER BECOMES A PARTY TO THE PLACING OF CHILDREN IN FOSTER
20 HOMES, UNLESS HE IS RELATED TO SUCH CHILDREN BY BLOOD OR
21 MARRIAGE WITHIN THE SECOND DEGREE, OR IS THE DULY APPOINTED
22 GUARDIAN THEREOF. THE TERM SHALL NOT INCLUDE A FAMILY CHILD CARE
23 HOME OR CHILD [DAY] CARE CENTER OPERATED FOR PROFIT AND SUBJECT
24 TO THE PROVISIONS OF ARTICLE X.

25 * * *

26 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

27 SECTION 923. KEYSTONE STARS PROGRAM PARTICIPANTS.--(A) EACH
28 CHILD CARE PROVIDER ENROLLED IN THE KEYSTONE STARS PROGRAM
29 SHALL:

30 (1) CONSPICUOUSLY DENOTE ON ITS PUBLICLY ACCESSIBLE INTERNET

1 WEBSITE, IF OPERATIONAL, ITS DESIGNATED STAR-LEVEL RATING,
2 WHICH SHALL INCLUDE HOW MANY STARS OUT OF FOUR THAT THE CHILD
3 CARE PROVIDER HAS RECEIVED;

4 (2) PROVIDE ITS STAR-LEVEL RATING IN WRITING TO FAMILIES AT
5 THE TIME OF APPLICATION AND ENROLLMENT; AND

6 (3) OBTAIN A DEPARTMENT-ISSUED PLACARD THAT DENOTES THE
7 CHILD CARE PROVIDER'S PARTICIPATION IN THE KEYSTONE STARS
8 PROGRAM AND DESIGNATED STAR-LEVEL RATING.

9 (B) THE DEPARTMENT SHALL BE RESPONSIBLE FOR ISSUING PLACARDS
10 TO PROGRAM PARTICIPANTS. THE DEPARTMENT SHALL ALSO BE
11 RESPONSIBLE FOR DESIGNING PLACARDS IN THE FOLLOWING MANNER:

12 (1) THE PLACARDS SHALL BE CLEAR, VISIBLE AND READABLE BY THE
13 GENERAL PUBLIC.

14 (2) IN ADDITION TO ANY GUIDELINES ISSUED BY THE DEPARTMENT
15 REGARDING THE FORM OF THE PLACARDS, PLACARDS SHALL INCLUDE THE
16 FOLLOWING INFORMATION:

17 (I) THE NAME OF THE RECIPIENT CHILD CARE PROVIDER.

18 (II) THE NAME OF THE DEPARTMENT.

19 (III) THE DATE THE DEPARTMENT ISSUED THE PLACARD.

20 (IV) THE NUMBER OF STARS OUT OF FOUR THAT THE CHILD CARE
21 PROVIDER HAS RECEIVED.

22 (V) THE ADDRESS, PHONE NUMBER, PUBLICLY ACCESSIBLE INTERNET
23 WEBSITE AND E-MAIL ADDRESS OF THE DEPARTMENT.

24 (VI) THE WEB ADDRESS FOR THE PUBLICLY ACCESSIBLE INTERNET
25 WEBSITE OF THE DEPARTMENT THAT PROVIDES INFORMATION AND
26 RESOURCES RELATED TO KEYSTONE STARS PROGRAM.

27 (C) PLACARDS SHALL BE POSTED IN ANY PUBLIC-FACING WINDOW ON
28 OR ADJACENT TO THE ENTRANCE OF THE CHILD CARE PROVIDER OR, IF NO
29 PUBLIC-FACING WINDOW EXISTS, AT THE ENTRANCE OF THE CHILD CARE
30 PROVIDER.

1 (D) A CHILD CARE PROVIDER THAT FAILS TO PUBLICLY DISPLAY ITS
2 DESIGNATED STAR-LEVEL RATING OR ALTERS A DEPARTMENT-ISSUED
3 PLACARD IN AN ATTEMPT TO MISREPRESENT THE PROVIDER'S STAR-LEVEL
4 RATING MAY BE SUBJECT TO ANY PENALTIES THAT THE DEPARTMENT DEEMS
5 APPROPRIATE.

6 (E) THE DEPARTMENT SHALL ENSURE ON AN ANNUAL BASIS THAT THE
7 STARS PLACARD IS POSTED AND ACCURATE.

8 SECTION 3. THE DEFINITIONS OF "CHILD DAY CARE," "CHILD DAY
9 CARE CENTER," "FACILITY" AND "FAMILY CHILD CARE HOME" IN SECTION
10 1001 OF THE ACT ARE AMENDED TO READ:

11 SECTION 1001. DEFINITIONS.--AS USED IN THIS ARTICLE--

12 * * *

13 "CHILD [DAY] CARE" MEANS CARE IN LIEU OF PARENTAL CARE GIVEN
14 FOR PART OF THE TWENTY-FOUR HOUR DAY TO CHILDREN UNDER SIXTEEN
15 YEARS OF AGE, AWAY FROM THEIR OWN HOMES, BUT DOES NOT INCLUDE
16 CHILD [DAY] CARE FURNISHED IN PLACES OF WORSHIP DURING RELIGIOUS
17 SERVICES.

18 "CHILD [DAY] CARE CENTER" MEANS ANY PREMISES OPERATED FOR
19 PROFIT IN WHICH CHILD [DAY] CARE IS PROVIDED SIMULTANEOUSLY FOR
20 SEVEN OR MORE CHILDREN WHO ARE NOT RELATIVES OF THE OPERATOR,
21 EXCEPT SUCH CENTERS OPERATED UNDER SOCIAL SERVICE AUSPICES.

22 * * *

23 "FACILITY" MEANS AN ADULT DAY CARE CENTER, CHILD [DAY] CARE
24 CENTER, FAMILY CHILD CARE HOME, BOARDING HOME FOR CHILDREN,
25 MENTAL HEALTH ESTABLISHMENT, PERSONAL CARE HOME, ASSISTED LIVING
26 RESIDENCE, NURSING HOME, HOSPITAL OR MATERNITY HOME, AS DEFINED
27 HEREIN, EXCEPT TO THE EXTENT THAT SUCH A FACILITY IS OPERATED BY
28 THE STATE OR FEDERAL GOVERNMENTS OR THOSE SUPERVISED BY THE
29 DEPARTMENT OR LICENSED PURSUANT TO THE ACT OF JULY 19, 1979
30 (P.L.130, NO.48), KNOWN AS THE "HEALTH CARE FACILITIES ACT."

1 "FAMILY CHILD CARE HOME" MEANS A HOME WHERE CHILD [DAY] CARE
2 IS PROVIDED AT ANY TIME TO NO LESS THAN FOUR CHILDREN AND NO
3 MORE THAN SIX CHILDREN WHO ARE NOT RELATIVES OF THE CAREGIVER.

4 * * *

5 SECTION 4. SECTION 1006 OF THE ACT IS AMENDED TO READ:

6 SECTION 1006. FEES.--ANNUAL LICENSES SHALL BE ISSUED WHEN
7 THE PROPER FEE, IF REQUIRED, IS RECEIVED BY THE DEPARTMENT AND
8 ALL THE OTHER CONDITIONS PRESCRIBED IN THIS ACT ARE MET. FOR
9 PERSONAL CARE HOMES, THE FEE SHALL BE AN APPLICATION FEE. THE
10 FEES SHALL BE:

11 FACILITY	ANNUAL FEE
12 ADULT DAY CARE CENTER	\$ 15
13 MENTAL HEALTH ESTABLISHMENT	50
14 PERSONAL CARE HOME-- 0 - 20 BEDS	15
15 -- 21 - 50 BEDS	20
16 -- 51 - 100 BEDS	30
17 --101 BEDS AND ABOVE	50

18 NO FEE SHALL BE REQUIRED FOR THE ANNUAL LICENSE IN THE CASE OF
19 [DAY] CHILD CARE CENTERS, FAMILY CHILD CARE HOMES, BOARDING
20 HOMES FOR CHILDREN OR FOR PUBLIC OR NONPROFIT MENTAL
21 INSTITUTIONS.

22 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

23 SECTION 1018.1. KEYSTONE STARS PROGRAM PARTICIPANTS.--(A)
24 EACH CHILD CARE CENTER AND FAMILY CHILD CARE HOME ENROLLED IN
25 THE KEYSTONE STARS PROGRAM SHALL:

26 (1) CONSPICUOUSLY DENOTE ON ITS PUBLICLY ACCESSIBLE INTERNET
27 WEBSITE, IF OPERATIONAL, ITS DESIGNATED STAR-LEVEL RATING,
28 WHICH SHALL INCLUDE HOW MANY STARS OUT OF FOUR THAT THE CHILD
29 CARE CENTER OR FAMILY CHILD CARE HOME HAS RECEIVED;

30 (2) PROVIDE ITS STAR-LEVEL RATING IN WRITING TO FAMILIES AT

1 THE TIME OF APPLICATION AND ENROLLMENT; AND

2 (3) OBTAIN A DEPARTMENT-ISSUED PLACARD THAT DENOTES THE
3 CHILD CARE CENTER'S OR FAMILY CHILD CARE HOME'S PARTICIPATION IN
4 THE KEYSTONE STARS PROGRAM AND DESIGNATED STAR-LEVEL RATING.

5 (B) THE DEPARTMENT SHALL BE RESPONSIBLE FOR ISSUING PLACARDS
6 TO PROGRAM PARTICIPANTS. THE DEPARTMENT SHALL ALSO BE
7 RESPONSIBLE FOR DESIGNING PLACARDS IN THE FOLLOWING MANNER:

8 (1) THE PLACARDS SHALL BE CLEAR, VISIBLE AND READABLE BY THE
9 GENERAL PUBLIC.

10 (2) IN ADDITION TO ANY GUIDELINES ISSUED BY THE DEPARTMENT
11 REGARDING THE FORM OF THE PLACARDS, PLACARDS SHALL INCLUDE THE
12 FOLLOWING INFORMATION:

13 (I) THE NAME OF THE RECIPIENT CHILD CARE CENTER OR FAMILY
14 CHILD CARE HOME.

15 (II) THE NAME OF THE DEPARTMENT.

16 (III) THE DATE THE DEPARTMENT ISSUED THE PLACARD.

17 (IV) THE NUMBER OF STARS OUT OF FOUR THAT THE CHILD CARE
18 CENTER OR FAMILY CHILD CARE HOME HAS RECEIVED.

19 (V) THE ADDRESS, PHONE NUMBER, PUBLICLY ACCESSIBLE INTERNET
20 WEBSITE AND E-MAIL ADDRESS OF THE DEPARTMENT.

21 (VI) THE WEB ADDRESS FOR THE PUBLICLY ACCESSIBLE INTERNET
22 WEBSITE OF THE DEPARTMENT THAT PROVIDES INFORMATION AND
23 RESOURCES RELATED TO KEYSTONE STARS PROGRAM.

24 (C) PLACARDS SHALL BE POSTED IN ANY PUBLIC-FACING WINDOW ON
25 OR ADJACENT TO THE ENTRANCE OF THE CHILD CARE CENTER OR FAMILY
26 CHILD CARE HOME OR, IF NO PUBLIC-FACING WINDOW EXISTS, AT THE
27 ENTRANCE OF THE CHILD CARE CENTER OR FAMILY CHILD CARE HOME.

28 (D) A CHILD CARE CENTER OR FAMILY CHILD CARE HOME THAT FAILS
29 TO PUBLICLY DISPLAY ITS DESIGNATED STAR-LEVEL RATING OR ALTERS A
30 DEPARTMENT-ISSUED PLACARD IN AN ATTEMPT TO MISREPRESENT THE

1 FACILITY'S STAR-LEVEL RATING MAY BE SUBJECT TO ANY PENALTIES
2 THAT THE DEPARTMENT DEEMS APPROPRIATE.

3 (E) THE DEPARTMENT SHALL ENSURE ON AN ANNUAL BASIS THAT THE
4 STARS PLACARD IS POSTED AND ACCURATE.

5 SECTION 6. SECTION 1051 OF THE ACT IS AMENDED TO READ:

6 SECTION 1051. DEFINITION.--AS USED IN THIS SUBARTICLE--

7 "PRIVATE INSTITUTION" MEANS ANY OF THE FOLLOWING FACILITIES

8 BY WHATEVER TERM KNOWN AND IRRESPECTIVE OF THE AGE GROUP SERVED:

9 MENTAL HOSPITAL, INSTITUTION FOR THE MENTALLY DEFECTIVE, [DAY]

10 CHILD CARE CENTER, NURSING HOME, HOSPITAL, PERSONAL CARE HOME,

11 ASSISTED LIVING RESIDENCE AND OTHER SIMILAR INSTITUTION WHICH IS

12 OPERATED FOR PROFIT AND WHICH REQUIRES A LICENSE ISSUED BY THE

13 DEPARTMENT.

14 SECTION 7. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.