

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1143 Session of
1991

INTRODUCED BY EVANS, STUBAN, NAHILL, HAGARTY, JOSEPHS,
E. Z. TAYLOR, PETRONE, HERMAN, KUKOVICH, HAYDEN, BATTISTO,
KOSINSKI, PETRARCA, CAPPABIANCA, STISH, FREEMAN, TIGUE,
WAMBACH, TRICH, TRELLO, COHEN, ROEBUCK, DALEY, MICHLOVIC,
BISHOP, BELFANTI, BELARDI, MIHALICH, STURLA, VAN HORNE,
RAYMOND, MICOZZIE, ITKIN, RUDY, LUCYK, VEON, COY, COLAIZZO,
ROBINSON, BLAUM, PESCI, LAUGHLIN, HARPER, DeLUCA, GODSHALL,
GIGLIOTTI, KENNEY, STABACK, FOX, LINTON, PISTELLA, MAIALE,
KASUNIC, DeWEESE, McCALL, SURRA, RITTER, KRUSZEWSKI, BUNT,
WILLIAMS, LaGROTTA, HUGHES, MARKOSEK, HALUSKA, STETLER,
RICHARDSON, S. H. SMITH, SCRIMENTI, HARLEY, JAMES AND BILLOW,
APRIL 16, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 11, 1991

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," providing for training for
4 family day-care providers; providing for an annual State plan
5 for child-care services; further providing for powers and
6 duties of the Department of Public Welfare; and making
7 repeals.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The heading of Article VI of the act of June 13,
11 1967 (P.L.31, No.21), known as the Public Welfare Code, is
12 amended and the article is amended by adding subarticles to
13 read:

ARTICLE VI

15 [THE AGED] CHILD CARE SERVICES

1 (a) General Provisions

2 Section 601. Definitions.--As used in this article--

3 "Child care" means care in lieu of parental care given for
4 part of the twenty-four hour day to children under sixteen years
5 of age, away from their own homes, but does not include child
6 care furnished in places of worship during religious services.

7 "Child care resource and referral agency" means a public or
8 private nonprofit entity that performs functions related to
9 child care resource and referral services. The term includes an
10 association or a corporation.

11 SECTION 602. LIMITATION.--IT IS THE POLICY OF THE <—
12 COMMONWEALTH TO PRESERVE THE PRIMARY RIGHT OF PARENTS OR PERSONS
13 STANDING IN LOCO PARENTIS TO A CHILD TO CHOOSE THE EDUCATION,
14 TRAINING AND CARE FOR THE CHILD. NOTHING CONTAINED IN THIS
15 ARTICLE SHALL EMPOWER THE COMMONWEALTH OR ANY OF ITS OFFICERS,
16 AGENCIES OR POLITICAL SUBDIVISIONS TO REQUIRE LICENSING OF OR TO
17 IMPOSE REGULATIONS OR STANDARDS FOR GOVERNMENT APPROVAL
18 REGARDING THE PROGRAM, ADMINISTRATIVE OR STAFF QUALIFICATIONS,
19 OR GUIDANCE AND DISCIPLINE AT ANY FACILITY OPERATED BY A BONA
20 FIDE CHURCH OR OTHER RELIGIOUS BODY WHICH PROVIDES CHILD CARE,
21 AS A CONDITION OF ELIGIBILITY TO PROVIDE SERVICES FOR WHICH
22 FEDERAL, STATE OR LOCAL ASSISTANCE IS AVAILABLE, WITHOUT THE
23 CONSENT OF SAID FACILITY. NOTHING IN THIS ARTICLE IS INTENDED TO
24 EXEMPT ANY CHILD CARE PROVIDER FROM THE REQUIREMENTS OF 23
25 PA.C.S. § 6344 (RELATING TO INFORMATION RELATING TO PROSPECTIVE
26 CHILD-CARE PERSONNEL) OR OTHER STATE-MANDATED HEALTH AND SAFETY
27 REQUIREMENTS.

28 (b) Annual Plan and Demonstration Projects

29 Section 611. Annual State Plan for Child Care Services.--(a)
30 Through an annual State plan on child care services, the

1 department shall establish goals and objectives and review and
2 assess the State's child care and early childhood development
3 service delivery system, including State efforts to assure the
4 provision of accessible, available and affordable quality child
5 care services to the general public. The plan shall be developed
6 in relation to Statewide and local needs for child care services
7 and shall take into consideration available demographic studies
8 pertaining to child care needs. It shall reflect the needs of
9 families in different social, economic and cultural
10 circumstances and the needs of children of different ages and
11 stages of development and of children with special needs.

12 (b) No later than the first full week in April of each year,
13 the department shall submit to the Aging and Youth Committee and
14 the Appropriations Committee of the Senate, and the Aging and
15 Youth Committee and the Appropriations Committee of the House of
16 Representatives, a preliminary State plan on child care
17 services. A final State plan shall be submitted by the first
18 week of September of each year.

19 (c) In the development and implementation of an annual State
20 plan on child care services, the department shall promote common
21 policies and practices in all child care programs to the fullest
22 extent possible and develop mechanisms for interagency
23 collaboration to create a coordinated State child care and early
24 childhood development delivery system. This shall include
25 consistency in the application process, reimbursement rates,
26 income eligibility criteria and parent fee scales.

27 (d) To prepare the preliminary State plan, the department
28 shall hold at least four public hearings in different geographic
29 locations in this Commonwealth to seek input and recommendations
30 from parents, child development professionals, child care

providers, child advocates, educators, representatives of local government, health and human service organizations, health professionals, labor organizations, businesses, school officials and any other individuals or agencies interested in child care issues.

(e) The preliminary and final State plan shall include, but not be limited to, the following information:

(1) The amount of Federal, State and local funds expended for child care services and early childhood development programs and the allocation of these funds. Funding shall include, but not be limited to, funding through the Social Services Block Grant Act (Public Law 97-35, 42 U.S.C. § 1397 et seq.), Title IV of the Social Security Act (Public Law 74-271, 42 U.S.C. § 601 et seq.) and the Child Care and Development Block Grant Act of 1990 at section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, 104 Stat. 1388).

(2) A State profile of child care and early childhood development programs in this Commonwealth with information regarding a description of the various types of child care services and early childhood development programs available in this Commonwealth, including, but not limited to, child day care centers, group day care homes, family day care homes, school-age programs, sick care programs and Headstart programs.

(3) The number of child care slots; the type of care by age utilized by children assisted with Federal, State and local funds, including Headstart and school-age child care programs; the unduplicated number of children who fill these slots; the funding source for the slots; and the child care capacity of regulated providers.

(4) Income eligibility guidelines for Federally and State

funded child care services, sliding fee scales, and the extent to which the income guidelines and fee scales are adjusted to reflect the most recent available State income data.

(5) The State's practices regarding the monitoring of child care programs to ensure the health, safety and welfare of children. In describing the monitoring system, the department shall identify the extent of announced and unannounced inspections of child care providers, the level of compliance with State standards and the staff-to-provider ratio to accomplish this task. Recommendations on ways to improve both the enforcement and monitoring of standards and compliance with standards shall also be included.

(6) The department's coordination, identification or arrangement of training for child care providers in specific program areas that are designed to improve the quality of child care. The department shall identify any Federal, State, local or private funding allocated for training, the objectives of the training, the way in which training will be accomplished and an evaluation of the previous year's training programs.

(7) An analysis of any recent demonstration projects established by the department using Federal or State funds, or both, along with a summary of the cost of the projects and the department's findings and recommendations.

(8) A summary of any recent reports, data or surveys concerning the compensation of child care workers, including loan forgiveness programs for child care and early childhood development professionals, the State's reimbursement rates and any changes in rates recommended by the department.

(9) A summary of available demographic studies related to child care needs, and a summary of the department's efforts to

1 include this information in the State plan.

2 (10) Efforts by the private sector and State and local
3 government to encourage employer-sponsored child care services
4 and policies aimed at addressing child care needs of working
5 parents.

6 (11) Identification of the responsibilities or programs of
7 various State departments with respect to child care services
8 and the extent to which coordination between agencies is
9 addressed. The department will describe its responsibilities,
10 under various program offices, as well as those of the
11 Department of Aging, the Department of Commerce, the Department
12 of Community Affairs, the Department of Education, the
13 Department of Health, and the Department of Labor and Industry.

14 (12) Standards developed for child care providers who are
15 not required to be regulated by State law and who receive
16 payment through a Federal or State child care program. These
17 standards shall relate to the health, safety and developmental
18 needs of children.

19 (13) Identification of gaps in child care services, unmet
20 needs, administrative barriers that serve as obstacles to
21 obtaining child care and recommendations on how the State can
22 address these issues.

23 (14) Identification of family day care agency locations and
24 a description of the department's efforts to utilize the
25 agencies as performers of the administrative functions outlined
26 in the definition of "family day care agency" in section 1001.

27 Section 612. Contracting with Providers of Child Care
28 Services.--(a) It shall be the goal of the department in its
29 administration of Federal and State dollars allocated for
30 subsidized child care services to establish a child care

delivery system that is designed to meet the needs of eligible children and families. In furtherance of that goal, it shall be the department's responsibility in the development of a child care service delivery system and in its policies and procedures to support, to the fullest extent possible, a stable, diverse source of child care providers from which parents can choose quality child care that is affordable and accessible.

(b) The department and any entity with whom the department contracts to administer public funds for child care shall have the right to enter into contracts with child care providers for a specific number of slots and shall not require competitive bidding for the child care contracts if any of the following conditions exist:

(1) The provider primarily serves low-income families.

(2) The facility is located in the low-income community where the children and their families reside.

(3) Transportation from the community to alternative child care facilities would impose hardships on parents.

(4) The providers meet special needs of parents and children, including, but not limited to, children with developmental disabilities and foreign speaking populations.

(5) The loss of service will have an adverse impact on parents in need of child care in that community.

Section 613. Demonstration Projects and Evaluation.--(a) The department shall have the authority to develop demonstration projects to test new concepts and methods in delivering child care services on a trial basis. Such project shall be distributed equitably on a geographic basis throughout this Commonwealth.

(b) The evaluation of a demonstration project shall be

required if Federal or State funds are used to finance the project. An evaluation shall set forth the department's goals and objectives for the project, a detailed description of it, pertinent information and data collected, the costs associated with the demonstration and findings and recommendations. The evaluation shall include an explanation regarding the extent to which the department's original goals and objectives were achieved and what modifications were required during the project.

(c) The evaluation of a demonstration project of twelve months or less in duration, shall be submitted to the Aging and Youth Committee and the Appropriations Committee of the Senate, and the Aging and Youth Committee and the Appropriations Committee of the House of Representatives within eighteen months of the project's inception. In the event that a demonstration project is in operation for more than twelve months, an interim evaluation shall be submitted to the same committees within eighteen months of the project's inception, and a final evaluation shall be submitted within six months of the completion of the project. No demonstration project can be funded as a demonstration for more than three years.

Section 614. Establishment of Child Care Resource and Referral Demonstration Projects.--(a) The department shall establish four demonstration projects to be distributed equitably on a geographic basis throughout this Commonwealth to evaluate the development, maintenance and expansion of quality child care for the general public through child care resource and referral programs. In addition, these demonstration projects shall assess the role of a child care resource and referral agency in furthering the department's goal to improve access to

child care, quality of child care, monitoring of child care and planning for child care services. The administration of public funding for subsidized child care programs shall not be a required function of a demonstration project.

(b) The projects established under subsection (a) shall operate for at least two years. They may be continued if funding is available.

Section 615. Eligibility.--A child care resource and referral agency is eligible to provide a demonstration project under section 614 if it can demonstrate, through past performance or current service, ability to effectively perform the functions under section 616 and if it can provide evidence that it has served low-income families.

Section 616. Function.--A child care resource and referral agency must provide, at a minimum, the following services:

(1) Identification of all regulated child care services in a defined geographical and service-delivery area.

(2) Maintenance of a regularly updated resource file of services and vacancies.

(3) Public education about the availability, cost, standards and types of child care programs in a defined geographical and service-delivery area.

(4) Assistance to parents in evaluating child care needs and appropriateness of types of care.

(5) Referrals to child care services near the home, work area, or facility where the parent is attending school or receiving job training.

(6) Providing caregivers with training workshops, assistance in filling vacancies, advocacy for attaining professional status, opportunities for sharing information and experiences

1 and access to ongoing educational certification programs.

2 (7) Provision of start-up information, including information
3 on relevant child care laws and regulations, for potential child
4 care providers to stimulate the supply of child care resources.

5 (8) Ability to respond to requests from businesses for
6 information or services designed to meet the child care needs of
7 their employees.

8 (9) Documentation and tabulation of data pertaining to
9 parent requests, consumer complaints and employer-sponsored
10 child care services that will assist in community and State
11 planning and identification of needs.

12 (10) Procedures for handling complaints related to child day
13 care programs and referral of day care programs under
14 investigation by the department.

15 (11) Establishment of procedures that ensure the
16 confidentiality of children and parents who utilize the agency's
17 services.

18 Section 617. Establishment of Fees.--A child care resource
19 and referral agency may establish reasonable fees where
20 necessary, subject to the approval of the department, to defray
21 the cost of child care resource and referral services.

22 Section 618. Reports.--Within eighteen months of the
23 inception of a demonstration project under section 614, the
24 department shall submit to the Aging and Youth Committee of the
25 Senate and the Appropriations Committee of the Senate and the
26 Aging and Youth Committee of the House of Representatives and
27 the Appropriations Committee of the House of Representatives an
28 interim report that describes the demonstration projects
29 selected by the department as provided for in section 613. A
30 final report shall be submitted to the same committees within

six months of a project's completion. The report shall include, along with recommendations, the department's findings relating to numbers of parents and children served; extent of assistance given to caregivers, parents and employees; cost of child care resource and referral services; the availability of private, corporate and government funding for the development and maintenance of resource and referral agencies; and the project's impact on quality and availability of child care in a geographically defined area.

(c) Training

Section 631. Training for Family Day Care Providers.--(a) The department shall arrange for training for prospective and current family day care providers. The training shall cover, at a minimum, the following areas, as they relate to child care:

(1) First aid and basic safety, resulting in certification in standard first aid and community cardiopulmonary resuscitation.

(2) Child development, including information on characteristics of infants and preschool and school-age children that can assist caregivers in nurturing the physical, social, emotional and intellectual growth of each child.

(3) Nutrition, including the Child Care Food Program sponsored by the United States Department of Agriculture.

(4) Health care and hygiene, including washing hands before handling food, care of diapers and toilet areas.

(5) Small business management skills, including budgets and recordkeeping.

(6) Discipline and guidance of children.

(7) Creative programming and development of proper learning environments for children.

1 (8) Utilization of community resources.

2 (9) Development of communication skills of caregivers with
3 parents and families.

4 (b) The department shall encourage but not require family
5 day care providers to participate in the training made available
6 under this section.

7 Section 2. The definition of "children's institutions" in
8 section 901 of the act, amended December 5, 1980 (P.L.1112,
9 No.193), is amended to read:

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

11 "Children's institutions" means any incorporated or
12 unincorporated organization, society, corporation or agency,
13 public or private, which may receive or care for children, or
14 place them in foster family homes, either at board, wages or
15 free; or any individual who, for hire, gain or reward, receives
16 for care a child, unless he is related to such child by blood or
17 marriage within the second degree; or any individual, not in the
18 regular employ of the court or of an organization, society,
19 association or agency, duly certified by the department, who in
20 any manner becomes a party to the placing of children in foster
21 homes, unless he is related to such children by blood or
22 marriage within the second degree, or is the duly appointed
23 guardian thereof. [The term shall not include a family day care
24 home in which care is provided in lieu of parental care to six
25 or less children for part of a twenty-four hour day.] The term
26 shall include a nonprofit family day care agency that is
27 operated by or under the authority of a bona fide church or
28 other religious organization and that administers any family day
29 care home in which care is provided at any one time to four
30 through six children who are not relatives of the caregiver.

1 * * *

2 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

3 SECTION 923. LIMITATION.--IT IS THE POLICY OF THE
4 COMMONWEALTH TO PRESERVE THE PRIMARY RIGHT OF PARENTS OR PERSONS
5 STANDING IN LOCO PARENTIS TO A CHILD TO CHOOSE THE EDUCATION,
6 TRAINING AND CARE FOR THE CHILD. NOTHING CONTAINED IN THIS
7 ARTICLE SHALL EMPOWER THE COMMONWEALTH OR ANY OF ITS OFFICERS,
8 AGENCIES OR POLITICAL SUBDIVISIONS TO REQUIRE LICENSING OR
9 APPROVAL OF OR TO IMPOSE REGULATIONS OR STANDARDS FOR GOVERNMENT
10 APPROVAL REGARDING THE PROGRAM, ADMINISTRATIVE OR STAFF
11 QUALIFICATIONS, OR GUIDANCE AND DISCIPLINE AT ANY FACILITY
12 OPERATED BY A BONA FIDE CHURCH OR OTHER RELIGIOUS BODY WHICH
13 PROVIDES CHILD CARE, WITHOUT THE CONSENT OF THE FACILITY.
14 NOTHING IN THIS ARTICLE IS INTENDED TO EXEMPT ANY CHILD CARE
15 PROVIDER FROM THE REQUIREMENTS OF 23 PA.C.S. § 6344 (RELATING TO
16 INFORMATION RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL) OR
17 OTHER STATE-MANDATED HEALTH AND SAFETY REQUIREMENTS.

18 Section 3 4. The definition of "facility" in section 1001 of <—
19 the act, amended December 21, 1988 (P.L.1883, No.185), is
20 amended and the section is amended by adding definitions to
21 read:

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

23 * * *

24 "Agency-affiliated family day care home" means a family day
25 care home which operates under the auspices of a family day care
26 agency through a contractual arrangement with a family day care
27 home and which provides family day care only to children
28 referred by the family day care agency.

29 * * *

30 "Facility" means an adult day care center, agency-affiliated

1 family day care home, child day care center, family day care
2 agency, family day care home, boarding home for children, mental
3 health establishment, personal care home, nursing home, hospital
4 or maternity home, as defined herein, and shall not include
5 those operated by the State or Federal governments or those
6 supervised by the department.

7 "Family day care agency" means a social service agency which
8 administers family day care programs, including the recruitment,
9 screening and selection of family day care homes, and which,
10 through contractual arrangements with family caregivers,
11 performs administrative functions that include, but are not
12 limited to, training of caregivers; technical assistance; intake
13 and referral of children to family day care homes; monitoring
14 and inspection of the agency's family day care homes; evaluation
15 of children's development, the family caregiver's daily program
16 and the family caregiver; consultation and assistance to parents
17 and children; referral of children and parents to health, social
18 services and food and nutrition programs when appropriate; and
19 furnishing child care equipment to family day care homes. The
20 term shall not include a nonprofit agency which is operated by
21 or under the authority of a bona fide church or other religious
22 organization and which is supervised by the department under
23 Article IX.

24 "Family day care home" means any home in which child day care
25 is provided at any one time to four through six children who are
26 not relatives of the caregiver. The term shall not include a
27 home operated under the auspices of a nonprofit agency which is
28 operated by a bona fide church or other religious organization
29 and which is supervised by the department under Article IX.

30 * * *

Section 4 5. The act is amended by adding sections to read: <—

Section 1010. Additional Requirements for Family Day Care

Homes.--(a) In a family day care home, all of the following apply:

(1) There may be no more than two children under eighteen months of age in care. This clause includes foster children and relatives of the caregiver.

(2) Each floor level used by children in a family day care home must have at least two exits, one of which may be a window. At least one exit from each floor level must provide a direct means of unobstructed travel to the outside at street or ground level.

(3) A window of a type which may be readily opened and of proper size and design to allow for evacuation must be provided as a second exit.

(4) A room or space, including an attic, which is accessible only by a ladder, folding stairway or through a trap door may not be used by children.

(5) A family day care home caregiver shall have an initial health assessment structured to identify health conditions which would adversely affect the caregiver's ability to provide child care. The same health requirements shall apply to other members of the caregiver's household who have direct contact with any child in care. The caregiver shall be required to report to the department any significant changes in health status that would adversely affect the caregiver's ability to provide child care.

(6) A family day care home caregiver must be at least twenty-one years of age.

(b) Family day care homes shall comply with regulations promulgated by the department.

1 (c) An agency-affiliated family day care home is not
2 required to apply for a separate license as a family day care
3 home. Under the supervision of a family day care agency, an
4 agency-affiliated family day care home shall comply with this
5 section and regulations promulgated under section 1011.

6 Section 1011. Regulations.--(a) The department has the
7 power and duty to promulgate regulations to implement this
8 article.

9 (b) In the development of regulations, the department shall
10 consider standards and recommendations relating to family day
11 care and family day care home providers that have been developed
12 by the Child Welfare League of America and the National
13 Association for the Education of Young Children.

14 Section 5 6. Section 1016 of the act, amended July 15, 1976 <—
15 (P.L.993, No.202), is amended to read:

16 Section 1016. Right to Enter and Inspect.--(A) For the <—
17 purpose of determining the suitability of the applicants and of
18 the premises or whether or not any premises in fact qualifies as
19 a facility as defined in section 1001 of this act or the
20 continuing conformity of the licensees to this act and to the
21 applicable regulations of the department, any authorized agent
22 of the department shall have the right to enter, visit and
23 inspect any facility licensed or requiring a license under this
24 act and shall have full and free access to the records of the
25 facility and to the individuals therein and full opportunity to
26 interview, inspect or examine such individuals.

27 (B) An authorized agent of the department shall also confer <—
28 with the operators of facilities regarding the minimum standards
29 of the department, encourage the adoption of higher standards
30 and recommend methods of improving care and services.

1 (C) THE DEPARTMENT SHALL HAVE THE RIGHT TO ENTER AND INSPECT <—
2 ANY FAMILY DAY CARE HOME, WHETHER OR NOT SUCH FACILITY IS
3 OPERATED UNDER THE AUSPICES OF A FAMILY DAY CARE AGENCY.

4 (D) If an authorized agent of the department is refused <—
5 access for an investigation under this section, the department
6 may apply to a court of competent jurisdiction for an
7 administrative inspection warrant. For purposes of a warrant
8 under this section, probable cause that this article has been
9 violated consists of a statement by the authorized agent of the
10 department that access for an inspection under this section has
11 been sought and refused. An administrative inspection warrant is
12 enforceable as any other warrant issued by a court.

13 Section ~~6~~ 7. Section 1031 of the act is amended to read: <—

14 Section 1031. Violation; Penalty.--(a) Any person operating
15 a facility within this Commonwealth without a license required
16 by this act, shall upon conviction thereof in a summary
17 proceeding be sentenced to pay a fine of not less than twenty-
18 five dollars (\$25) nor more than three hundred dollars (\$300),
19 and costs of prosecution, and in default of the payment thereof
20 to undergo imprisonment for not less than ten days nor more than
21 thirty days. Each day of operating a facility without a license
22 required by this act shall constitute a separate offense.

23 (b) In addition to the criminal penalty in subsection (a),
24 the department may assess a civil penalty of five hundred
25 dollars (\$500) against a person found to be operating a facility
26 within this Commonwealth without a license required by this act.
27 Penalty assessment under this subsection shall conform to 2
28 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
29 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
30 review of Commonwealth agency action).

1 (1) A provider charged with violations of this act shall
2 have thirty days to pay the assessed penalty in full. If the
3 provider wishes to contest either the amount of the penalty or
4 the fact of the violation, the party shall forward the proposed
5 amount to the secretary for placement in an escrow account with
6 the State Treasurer.

7 (2) If through administrative hearing or judicial review of
8 the fine it is determined that no violation occurred or that the
9 amount is less than the amount required to be forwarded by the
10 provider, the secretary shall remit the appropriate amount to
11 the provider within thirty days, together with any interest
12 accumulated on that amount by the escrow deposit.

13 (3) Failure to forward the payment to the secretary within
14 thirty days shall result in a waiver of rights to contest the
15 fact of the violation or the amount of the penalty. The amount
16 assessed after administrative hearing or a waiver of the
17 administrative hearing shall be payable to the Commonwealth and
18 shall be collectible in the manner provided by law for the
19 collection of debts. If a provider liable to pay a penalty
20 neglects or refuses to pay it after demand, failure to pay shall
21 constitute a judgment in favor of the Commonwealth in the amount
22 of the fine, together with the interest and any costs that may
23 accrue.

24 (4) Fees or fines collected by the department from child
25 care providers shall be placed in a special restricted receipt
26 account and shall be used to provide technical assistance to
27 providers to meet standards for child day care and to improve
28 the quality of care provided in child day care programs.

29 Section 7 8. Sections 1070, 1071, 1072, 1073, 1074, 1075,
30 1076, 1077, 1078, 1079 and 1080 of the act are repealed.

<—

1 Section & 9. The Department of Public Welfare shall comply <—
2 with the following time schedules:

3 (1) Within 90 days of the effective date of this
4 section, the department shall submit proposed rulemaking
5 under section 1011 of the act to the Legislative Reference
6 Bureau for publication in the Pennsylvania Bulletin.

7 (2) Within 180 days of the effective date of this
8 section, the department shall submit final rulemaking on the
9 proposal under paragraph (1) to the Legislative Reference
10 Bureau for publication in the Pennsylvania Bulletin. The
11 regulations shall take effect within one year of the
12 effective date of this section.

13 Section & 10. This act shall take effect as follows: <—

14 (1) The following provisions shall take effect
15 immediately:

16 (i) The addition of section 1011 of the act.

17 (ii) The amendment of sections 1016 and 1031 of the
18 act.

19 (iii) Section & 9 of this act. <—

20 (iv) This section.

21 (2) The repeal of sections 1070 through 1080 of the act
22 shall take effect upon the effective date of the regulations
23 promulgated under section & 9 of this act. <—

24 (3) The amendment or addition of sections 901, 1001 and
25 1010 of the act shall take effect in one year.

26 (4) The remainder of this act shall take effect in 60
27 days.