

HUMAN SERVICES CODE - RIGHT TO ENTER AND INSPECT

Act of Jul. 14, 2020, P.L. 639, No. 62

CL. 67

Session of 2020

No. 2020-62

SB 934

AN ACT

Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An act to consolidate, editorially revise, and codify the public welfare laws of the Commonwealth," in departmental powers and duties as to licensing, further providing for right to enter and inspect.

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

Section 1. Section 1016 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, is amended to read:

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

(b) An authorized agent of the department shall also confer with the operators of facilities regarding the minimum standards of the department, encourage the adoption of higher standards and recommend methods of improving care and services.

(c) All child care centers and family child care homes shall have a fire detection device or system that is operable and properly maintained at all times in compliance with the act of April 27, 1927 (P.L.465, No.299), referred to as the "Fire and Panic Act," the act of November 10, 1999 (P.L.491, No.45), known as the "Pennsylvania Construction Code Act," and applicable regulations. The following shall apply:

(1) To verify operability, a child care center or a family child care home shall manually test all fire detection devices or systems at least once every thirty days and shall maintain a written record of the testing with the facility's fire drill logs. Operability shall also be demonstrated during the department's annual inspection.

(2) If a fire detection device or system cannot be tested every thirty days, the child care center or family child care home shall have the device or system tested at least annually by a fire safety professional and shall maintain written documentation of the test results with the facility's fire drill logs. The documentation shall be on the fire safety professional's letterhead.

(3) A child care center or family child care home shall keep the proof and date of purchase of an interconnected fire detection device or system with the facility's fire drill logs.

(4) The department's certification staff shall conduct a visual inspection of the child care center or family child care home to identify whether the child care center or family child

care home may not be in compliance with fire safety requirements with respect to smoke detectors under the "Fire and Panic Act" and the "Pennsylvania Construction Code Act." Upon inspection under this section, notice of any suspected failure to satisfy the safety requirements of this subsection in a child care center or family child care home shall be provided to the building code official charged by law or ordinance with the enforcement of safety requirements. Upon request by the department, the building code official shall furnish to the department the inspection reports and any other pertinent information with respect to the requirements of this subsection for a child care center or family child care home to ensure compliance with this section.

(5) For the purposes of this subsection, the term "child care center" shall include for-profit and nonprofit child care centers in this Commonwealth.

Section 2. All regulations and parts of regulations are abrogated insofar as they are inconsistent with this act.

Section 3. This act shall take effect in 120 days.

APPROVED--The 14th day of July, A.D. 2020.

TOM WOLF