

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 973 Session of 2023

INTRODUCED BY KAZEEM, DELLOSO, BOROWSKI, CURRY, MADDEN, WAXMAN, PARKER, CEPEDA-FREYTIZ, HILL-EVANS, FIEDLER, SANCHEZ, GUENST, HANBIDGE, KHAN, SHUSTERMAN, N. NELSON, HOWARD, D. WILLIAMS, FREEMAN, GREEN, OTTEN AND KRAJEWSKI, APRIL 24, 2023

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 26, 2024

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 licensing, further providing for refusal to
5 issue license, revocation and notice; and imposing penalties.

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

8 Section 1. Section 1026(b) and (c) of the act of June 13,
9 1967 (P.L.31, No.21), known as the Human Services Code, is
10 amended and the section is amended by adding a subsection to
11 read:

12 Section 1026. Refusal to Issue License; Revocation;
13 Notice.--* * *

14 (b) The department shall refuse to issue a license, [or]
15 shall revoke a license, shall impose penalties or shall mandate
16 corrective actions for any of the following reasons:

17 (1) Violation of or non-compliance with the provisions of
18 this act or of regulations pursuant thereto;

1 (2) Fraud or deceit in obtaining or attempting to obtain a
2 license;

3 (3) Lending, borrowing or using the license of another, or
4 in any way knowingly aiding or abetting the improper granting of
5 a license;

6 (4) Gross incompetence, negligence or misconduct in
7 operating the facility;

8 (5) Mistreating or abusing individuals cared for in the
9 facility[.];

10 (6) ~~Repeated~~ MORE THAN THREE violations of a child's <--
11 specific rights as enumerated in 55 Pa. Code § 3800.32 (relating
12 to specific rights); ~~or~~ <--

13 (7) A violation on the use of restraints as enumerated in
14 55 Pa. Code § 3800.202 (relating to appropriate use of
15 restrictive procedures).; <--

16 (8) A VIOLATION OF THE STAFF HIRING, TRAINING AND
17 SUPERVISING REQUIREMENTS UNDER 55 PA. CODE § 3800.51 (RELATING
18 TO CHILD ABUSE AND CRIMINAL HISTORY CHECKS), 3800.52 (RELATING
19 TO STAFF HIRING, RETENTION AND UTILIZATION), 3800.53 (RELATING
20 TO DIRECTOR), 3800.54 (RELATING TO CHILD CARE SUPERVISOR),
21 3800.55 (RELATING TO CHILD CARE WORKER), 3800.56 (RELATING TO
22 EXCEPTIONS FOR STAFF QUALIFICATIONS), 3800.57 (RELATING TO
23 SUPERVISION) OR 3800.58 (RELATING TO STAFF TRAINING); OR

24 (9) A VIOLATION OF THE REQUIREMENT TO PROVIDE A DEPARTMENT
25 OF EDUCATION-APPROVED SCHOOL PROGRAM OR AN EDUCATIONAL PROGRAM
26 UNDER CONTRACT WITH A LOCAL PUBLIC SCHOOL DISTRICT IN ACCORDANCE
27 WITH 55 PA. CODE § 3800.229 (RELATING TO EDUCATION).

28 (b.1) ~~Penalties~~ IN ADDITION TO REFUSING TO ISSUE A LICENSE <--
29 OR REVOKING A LICENSE, PENALTIES and corrective actions may
30 include imposing fines on a facility or mandating disciplinary

1 procedures against a staff member responsible for a violation.

2 (c) Whenever the department revokes or refuses to issue a
3 license, imposes penalties or mandates corrective actions, it
4 shall give written notice thereof by certified mail. Such notice
5 shall specify the reason for the refusal or revocation.

6 Section 2. This act shall take effect in 60 days.