

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 516 Session of 2001

INTRODUCED BY BLAUM, GEORGE, CAPPABIANCA, GEIST, ROONEY, HERMAN, DeLUCA, GRUCELA, DeWEESE, BELFANTI, WASHINGTON, COY, BELARDI, RUBLEY, SOLOBAY, MANDERINO, SURRA, WALKO, WANSACZ, SHANER, STURLA, MANN, TIGUE, HENNESSEY, STABACK, BISHOP, SCRIMENTI, HARHAI, FRANKEL, WOGAN, CURRY, KAISER, FREEMAN, JOSEPHS, LAUGHLIN, BUTKOVITZ, EACHUS, MUNDY, STEELMAN, CIVERA, McCALL, L. I. COHEN AND C. WILLIAMS, FEBRUARY 6, 2001

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 6, 2001

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
4 administrative definitions, for visitation and for entry and
5 inspection of child day-care centers.

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

8 Section 1. Section 901 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code, is amended by adding
10 definitions to read:

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

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

17 "Child day care center" means any premises in which child day

1 care is provided simultaneously for seven or more children who
2 are not relatives of the operator.

3 * * *

4 Section 2. Section 911(a) of the act is amended by adding a
5 clause to read:

6 Section 911. Visitation and Inspection.--(a) The department
7 shall have the power, and its duty shall be:

8 (1) To make and enforce rules and regulations for a
9 visitation, examination and inspection of all supervised
10 institutions and said visitation, examination or inspection may
11 occur both before and after the beginning of operation of the
12 supervised facility.

13 (2) To visit and inspect, at least once in each year, all
14 State and supervised institutions; to inquire and examine into
15 their methods of instruction, discipline, detention, care or
16 treatment, the care, treatment, government or management of
17 their inmates or those committed thereto, or being detained,
18 treated or residing therein, the official conduct of their
19 inspectors, trustees, managers, directors or other officer or
20 officers charged with their management by law or otherwise, or
21 having the management, care, custody or control thereof, the
22 buildings, grounds, premises, and equipment thereof, or
23 connected therewith, and all and every matter and thing relating
24 to their usefulness, administration, and management, and to the
25 welfare of the inmates thereof, or those committed thereto or
26 being detained, treated or residing therein.

27 (3) To inspect child day care centers during operational
28 hours, without prior notice, to determine the standard of care
29 being administered to the children for whom child day care is
30 provided.

1 * * *

2 Section 3. Section 1016 of the act, amended July 15, 1976
3 (P.L.993, No.202), is amended to read:

4 Section 1016. Right to Enter and Inspect.--For the purpose
5 of determining the suitability of the applicants and of the
6 premises or whether or not any premises in fact qualifies as a
7 facility as defined in section 1001 of this act or the
8 continuing conformity of the licensees to this act and to the
9 applicable regulations of the department, any authorized agent
10 of the department shall have the right to enter, visit and
11 inspect any facility licensed or requiring a license under this
12 act and shall have full and free access to the records of the
13 facility and to the individuals therein and full opportunity to
14 interview, inspect or examine such individuals. If the facility
15 is a child day care center, the authorized agent shall have the
16 right to enter, visit and inspect the facility during
17 operational hours without prior notice.

18 An authorized agent of the department shall also confer with
19 the operators of facilities regarding the minimum standards of
20 the department, encourage the adoption of higher standards and
21 recommend methods of improving care and services.

22 Section 4. Section 1074 of the act, added December 5, 1980
23 (P.L.1112, No.193), is amended to read:

24 Section 1074. Visitation and Inspection.--The department or
25 authorized agent of the department shall have the right to
26 enter, visit and inspect [on a random sample basis, upon
27 complaint, or upon request of the caregiver] during operational
28 hours without prior notice, any family day care home registered
29 or requiring registration under this article and shall have free
30 and full access to the premises, where children are cared for,

1 all records of the premises which relate to the children's care,
2 and to the children cared for therein and full opportunity to
3 speak with or observe such children to determine the standard of
4 child day care being administered.

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