

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 59 Session of 2009

INTRODUCED BY PICCOLA, KASUNIC AND O'PAKE, JANUARY 20, 2009

REFERRED TO PUBLIC HEALTH AND WELFARE, JANUARY 20, 2009

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," further providing for
 4 application for registration certificate, for issuance of
 5 registration certificate and for records; providing for
 6 disclosure; and further providing for emergency closure.

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

9 Section 1. Sections 1072, 1073 and 1075 of the act of June
 10 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,
 11 added December 5, 1980 (P.L.1112, No.193), are amended to read:

12 Section 1072. Application for Registration Certificate.--

13 (a) Any individual desiring to secure a registration
 14 certificate shall submit an application therefor to the
 15 department upon forms prepared and furnished by the department,
 16 and, at the same time, shall certify in writing that he/she and
 17 the facility named in the application are in compliance with
 18 applicable department regulations. Applicants shall also provide
 19 proof of a current general liability insurance policy that
 20 covers all persons who are on the premises.

1 (b) Application for renewal of the registration certificate
2 shall be made every two years in the same manner as application
3 for the original registration certificate.

4 (c) No application fee shall be required to register a
5 family day care home.

6 Section 1073. Issuance of Registration Certificate.--Upon
7 receipt of an application, proof of current liability insurance
8 and the applicant's written certification of compliance with
9 applicable department regulations, the department shall issue a
10 registration certificate to the applicant for the premises named
11 in the application. A registration certificate shall be issued
12 for a period of two years.

13 Section 1075. Records.--Every individual who operates a
14 family day care home registered under this article shall keep
15 and maintain such records as required by the department. The
16 facility's current registration certificate, a copy of the
17 applicable department regulations, a copy of the facility's
18 inspection summary and any other record required by the
19 department shall be posted in a conspicuous location used by
20 parents. A current copy of the family day care home's insurance
21 policy shall be on file at the facility.

22 Section 2. The act is amended by adding a section to read:

23 Section 1075.1. Disclosure.--At the time of the child's
24 application, the facility operator shall review with the parent
25 or other responsible person the facility's registration
26 certificate, inspection summary, insurance policy, emergency
27 plan, general daily schedule, hours in which care is provided,
28 fees, responsibilities for meals, clothing, health policies,
29 supervision policies, night care policies, dismissal policies,
30 transportation, pickup arrangements and any other policy as

1 required by the department. Upon enrollment, the parent shall
2 sign an agreement with the facility operator and provide
3 emergency contact information as required by the department. The
4 facility operator shall also give the child's parent or other
5 responsible person a written form prescribed by the department
6 containing the following information:

7 (1) instructions for obtaining information about the
8 facility's registration history and compliance history; and

9 (2) instructions for contacting the department to file a
10 complaint or make inquiries regarding the facility.

11 Section 3. Section 1080 of the act, added December 5, 1980
12 (P.L.1112, No.193), is amended to read:

13 Section 1080. Emergency Closure.--If the department, or
14 authorized agent of the department observes a condition at a
15 family day care home which places the children cared for therein
16 in immediate life-threatening danger, the department shall
17 maintain an action in the name of the Commonwealth for an
18 injunction or other process restraining or prohibiting the
19 operation of the facility. If the department finds evidence of
20 gross incompetence, negligence, misconduct in operating the
21 family day care home or mistreatment or abuse of children likely
22 to constitute an immediate and serious danger to the life or
23 health of the children, the department shall take immediate
24 action to close the facility and remove the children from the
25 family day care home. If physical obstruction is offered to
26 prevent removal of the children, the department shall request
27 law enforcement authorities to assist in the closure of the
28 facility and removal of the children. The department shall
29 inform the parent or other person responsible for each child
30 present at the family day care home of the emergency closure and

1 removal. Department staff shall remain at the family day care
2 home until each child is picked up by his or her parent or taken
3 to another safe location.

4 Section 4. This act shall take effect in 120 days.