

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 59** Session of
2009

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

SENATOR ERICKSON, PUBLIC HEALTH AND WELFARE, AS AMENDED,
MARCH 25, 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 FACILITY OPERATOR SHALL EXECUTE A WRITTEN AGREEMENT SIGNED BY ←
4 THE CHILD'S PARENT OR OTHER RESPONSIBLE PERSON AND THE OPERATOR
5 THAT ADDRESSES THE TERMS REQUIRED BY THE DEPARTMENT. THE
6 FACILITY OPERATOR SHALL MAINTAIN emergency contact information
7 as required by the department. The facility operator shall also
8 give the child's parent or other responsible person a written
9 form prescribed by the department containing the following
10 information:

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

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

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

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

1 law enforcement authorities to assist in the closure of the
2 facility and removal of the children. The department shall
3 inform the parent or other person responsible for each child
4 present at the family day care home of the emergency closure and
5 removal. Department staff shall remain at the family day care
6 home until each child is picked up by his or her parent or taken
7 to another safe location.

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