

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of 2011

INTRODUCED BY PAYNE, HESS, GEIST, GRELL, FABRIZIO, MOUL,  
O'NEILL, READSHAW, REICHLLEY AND SWANGER, JANUARY 21, 2011

REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 21, 2011

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

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

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

13 Section 1072. Application for Registration Certificate.--

14 (a) Any individual desiring to secure a registration  
15 certificate shall submit an application therefor to the  
16 department upon forms prepared and furnished by the department,  
17 and, at the same time, shall certify in writing that he/she and  
18 the [facility] family day care home named in the application are  
19 in compliance with applicable department regulations. Applicants  
20 shall also provide proof of a current general liability

1 insurance policy that covers all persons who are on the  
2 premises.

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

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

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

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

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

26 Section 1075.1. Disclosure.--At the time of the child's  
27 application, the operator of the family day care home shall  
28 review with the parent or other responsible person the family  
29 day care home's registration certificate, inspection summary,  
30 insurance policy, emergency plan, general daily schedule, hours

1 in which care is provided, fees, responsibilities for meals,  
2 clothing, health policies, supervision policies, night care  
3 policies, dismissal policies, transportation, pickup  
4 arrangements and any other policy as required by the department.  
5 Upon enrollment, the operator of the family day care home shall  
6 execute a written agreement signed by the child's parent or  
7 other responsible person and the operator that addresses the  
8 terms required by the department. The operator of the family day  
9 care home shall maintain emergency contact information as  
10 required by the department. The operator of the family day care  
11 home shall also give the child's parent or other responsible  
12 person a written form prescribed by the department containing  
13 the following information:

14 (1) instructions for obtaining information about the  
15 registration history and compliance history of the family day  
16 care home; and

17 (2) instructions for contacting the department to file a  
18 complaint or make inquiries regarding the family day care home.

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

21 Section 1080. Emergency Closure.--If the department, or  
22 authorized agent of the department observes a condition at a  
23 family day care home which places the children cared for therein  
24 in immediate life-threatening danger, the department shall  
25 maintain an action in the name of the Commonwealth for an  
26 injunction or other process restraining or prohibiting the  
27 operation of the [facility.] family day care home. If the  
28 department finds evidence of gross incompetence, negligence,  
29 misconduct in operating the family day care home or mistreatment  
30 or abuse of children likely to constitute an immediate and

1 serious danger to the life or health of the children, the  
2 department shall take immediate action to close the family day  
3 care home and remove the children from the family day care home.  
4 If physical obstruction is offered to prevent removal of the  
5 children, the department shall request law enforcement  
6 authorities to assist in the closure of the family day care home  
7 and removal of the children. The department shall inform the  
8 parent or other person responsible for each child present at the  
9 family day care home of the emergency closure and removal.  
10 Department staff shall remain at the family day care home until  
11 each child is picked up by his or her parent or taken to another  
12 safe location.

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