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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 77 Session of  
2013

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INTRODUCED BY GODSHALL, DONATUCCI, HARHAI, STEPHENS, GINGRICH,  
YOUNGBLOOD, MILLER, SAYLOR, KAUFFMAN, SCHLOSSBERG,  
RAVENSTAHL, O'NEILL, MUNDY, EMRICK, WATSON, KNOWLES,  
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MILLARD, DEAN, STERN, SWANGER, STURLA, GOODMAN, HAHN, D.  
COSTA, KULA, KORTZ, MCCARTER, PETRI, NEILSON, R. BROWN,  
QUINN, MILNE, CALTAGIRONE, DENLINGER AND DELUCA,  
JANUARY 10, 2013

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REFERRED TO COMMITTEE ON HEALTH, JANUARY 10, 2013

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AN ACT

1 Providing for unannounced inspections of certain facilities and  
2 persons that provide child day care; and conferring powers  
3 and duties on the Department of Public Welfare.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Unannounced  
8 Inspection of Child Day-Care Facilities Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Child day care." Care in lieu of parental care given for  
14 part of a 24-hour day to a child under 16 years of age away from  
15 the child's home. The term does not include care in lieu of

1 parental care given to a child under 16 years of age in a place  
2 of worship during religious services.

3 "Child day-care center." Any premises in which child day  
4 care is provided simultaneously for seven or more children who  
5 are not relatives of the provider, regardless of which article  
6 of the act of June 13, 1967 (P.L.31, No.21), known as the Public  
7 Welfare Code, applies to it.

8 "Department." The Department of Public Welfare of the  
9 Commonwealth.

10 "Facility." Any of the following:

11 (1) Child day-care center.

12 (2) Family day-care home.

13 "Family day-care home." A home in which child day care is  
14 provided at any one time to four, five or six children who are  
15 not relatives of the provider of the child day care and which is  
16 required to be registered under the act of June 13, 1967 (P.L.  
17 31, No.21), known as the Public Welfare Code.

18 Section 3. Inspections.

19 (a) Authority.--The department may enter and inspect a  
20 facility with or without prior notice.

21 (b) Access.--The department shall have free and full access  
22 to the facility and the facility grounds, the children in the  
23 facility, the records of the facility and the facility staff.  
24 The department shall be given the opportunity to privately  
25 interview children and staff.

26 (c) Frequency of inspections.--

27 (1) For a child day-care center, in accordance with  
28 current requirements for an annual inspection under the act  
29 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
30 Code, the department shall annually conduct at least one

1 onsite, unannounced inspection of each facility. This  
2 unannounced inspection shall be sufficient to meet any  
3 existing requirement for an annual announced or unannounced  
4 inspection. The department shall conduct additional  
5 inspections as required to verify corrections of violations.

6 (2) For a family day-care home, unannounced inspections  
7 shall be conducted at such times as the department deems  
8 appropriate. Each family day-care home shall be inspected at  
9 least once every four years. A newly registered family day-  
10 care home shall be inspected at least once during the first  
11 year of operation.

12 (d) Inspections in response to complaints.--

13 (1) Within 24 hours, excluding days that the department  
14 has determined the facility is not in operation, of the  
15 receipt of a complaint from any person alleging an immediate  
16 and serious risk to the health or safety of a child receiving  
17 child day care at a facility, the department shall conduct an  
18 onsite unannounced inspection of the facility. Complaints  
19 prompting an inspection pursuant to this subsection shall  
20 include severe injury or death of a child receiving care at  
21 the facility, allegations of child abuse or conditions or  
22 practices that create an immediate and serious risk to a  
23 child.

24 (2) Except for those complaints under paragraph (1), the  
25 department shall determine the acceptable time frame in which  
26 complaints shall be investigated based upon the seriousness  
27 of the complaint.

28 (3) This subsection applies to all facilities, including  
29 those that are required to be licensed, supervised or  
30 registered under the Public Welfare Code, but which are not

1 so licensed, supervised or registered.

2 (e) Report to General Assembly.--The department shall submit  
3 on an annual basis a report to the Aging and Youth Committee of  
4 the Senate and the Children and Youth Committee of the House of  
5 Representatives regarding the findings of the inspections  
6 required by this section.

7 Section 4. Effective date.

8 This act shall take effect in one year.