

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 46

Session of 2015

INTRODUCED BY GODSHALL, KINSEY, KOTIK, BISHOP, GREINER, SANTARSIERO, DAVIS, KAUFFMAN, MARSHALL, HARHART, SAMUELSON, CALTAGIRONE, O'BRIEN, KNOWLES, STURLA, DEASY, D. COSTA, MATZIE, COHEN, MILLARD, SAYLOR, MARSICO, O'NEILL, HARHAI, WATSON, DeLUCA, MURT, JAMES, RAVENSTAHL, HAHN, GABLER, GINGRICH, DONATUCCI, ROEBUCK, GIBBONS, McCARTER, MOUL AND YOUNGBLOOD, JANUARY 21, 2015

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 17, 2015

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 Human Services; REPEALING <--
4 PROVISIONS OF THE PUBLIC WELFARE CODE RELATING TO
5 REGISTRATION PROVISIONS; AND ABROGATING A REGULATION.

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

8 Section 1. Short title.

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

11 Section 2. Definitions.

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

15 "Child day care." Care in lieu of parental care given for
16 part of a 24-hour day to a child under 16 years of age away from

1 the child's home. The term does not include care in lieu of
2 parental care given to a child under 16 years of age in a place
3 of worship during religious services.

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

9 "Department." The Department of Human Services of the
10 Commonwealth.

11 "Facility." Any of the following:

12 (1) Child day-care center.

13 (2) Family day-care home.

14 "Family day-care home." A home in which child ~~day~~ care is <--
15 provided at any one time to four, five or six children who are
16 not relatives of the provider of the child day care and which is
17 required to be ~~registered~~ LICENSED under the act of June 13, <--
18 1967 (P.L.31, No.21), known as the Public Welfare Code.
19 Section 3. Inspections.

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

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

27 ~~(c) Frequency of inspections.~~ <--

28 ~~(1) For a child day care center, in accordance with~~

29 (C) FREQUENCY OF INSPECTIONS.--FOR A CHILD DAY-CARE CENTER <--
30 AND A FAMILY CHILD CARE HOME, IN ACCORDANCE WITH current

1 requirements for an annual inspection under the act of June 13,
2 1967 (P.L.31, No.21), known as the Public Welfare Code, the
3 department shall annually conduct at least one onsite,
4 unannounced inspection of each facility. This unannounced
5 inspection shall be sufficient to meet any existing requirement
6 for an annual announced or unannounced inspection. The
7 department shall conduct additional inspections as required to
8 verify corrections of violations.

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

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

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

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

1 (3) This subsection applies to all facilities, including
2 those that are required to be licensed, OR supervised ~~or~~ <--
3 ~~registered~~ under the Public Welfare Code, but which are not
4 so licensed, OR supervised ~~or registered~~. <--

5 (e) Report to General Assembly.--The department shall submit
6 on an annual basis a report to the ~~Aging and Youth Committee of~~ <--
7 ~~the Senate and the Children and Youth Committee of the House of~~
8 ~~Representatives~~ PUBLIC HEALTH AND WELFARE COMMITTEE OF THE <--
9 SENATE AND THE HEALTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES
10 regarding the findings of the inspections required by this
11 section.

12 SECTION 4. LICENSURE OF FAMILY DAY-CARE HOMES. <--

13 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FAMILY DAY-CARE
14 HOME SHALL BE LICENSED UNDER ARTICLE X OF THE ACT OF JUNE 13,
15 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

16 SECTION 5. REPEALS.

17 REPEALS ARE AS FOLLOWS:

18 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
19 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

20 (2) SUBARTICLE (C) OF ARTICLE X OF THE ACT OF JUNE 13,
21 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE, IS
22 REPEALED.

23 SECTION 6. ABROGATION.

24 THE APPLICATION, INSPECTION AND REGISTRATION PROVISIONS UNDER
25 55 PA. CODE § 3290.11 (RELATING TO APPLICATION FOR AND ISSUANCE
26 OF A CERTIFICATE OF REGISTRATION) ARE ABROGATED INSOFAR AS THEY
27 ARE INCONSISTENT WITH THIS ACT.

28 Section 4 7. Effective date. <--

29 This act shall take effect ~~in one year~~ IMMEDIATELY. <--