

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 431 Session of
2013

INTRODUCED BY GINGRICH, WATSON, AUMENT, MALONEY, MOUL, STEPHENS,
YOUNGBLOOD, SCHLOSSBERG, HICKERNELL, MUNDY, ROCK, KORTZ,
SACCONE, MAJOR, CUTLER, KAUFFMAN, O'NEILL, BAKER, SWANGER,
COHEN, R. MILLER, FLECK, SAYLOR, C. HARRIS, CLYMER, MILNE,
MURT, DENLINGER, EVERETT, GIBBONS, QUINN, CALTAGIRONE,
HARKINS, BIZZARRO AND FARRY, FEBRUARY 4, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 17, 2014

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child protective services, further
3 providing for education and training.

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

6 Section 1. Section 6383(b) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding paragraphs AND THE <--
8 SECTION IS AMENDED BY ADDING SUBSECTIONS to read:

9 § 6383. Education and training.

10 * * *

11 (b) Duties of Department of State.--

12 * * *

13 (3) Each licensing board with jurisdiction over
14 professional licensees identified as mandated reporters under
15 this chapter shall:

16 (i) Require all persons applying for a license or

1 certification issued by the licensing board to submit
2 documentation acceptable to the licensing board of the
3 completion of at least three hours of approved child
4 abuse recognition and reporting training. Training shall
5 address, but shall not be limited to, recognition of the
6 signs of child abuse and the reporting requirements for
7 suspected child abuse in this Commonwealth. Training
8 shall be approved by the Department of Public Welfare.
9 The training may occur as part of the continuing
10 education requirement of the license.

11 (ii) Require all persons applying for the renewal of
12 a license or certification issued by the licensing board
13 to submit documentation acceptable to the licensing board
14 of the completion of at least two hours of approved
15 continuing education per licensure cycle. Continuing
16 education shall address, but shall not be limited to,
17 recognition of the signs of child abuse and the reporting
18 requirements for suspected child abuse in this
19 Commonwealth. Continuing education curricula shall be
20 approved by the licensing board in consultation with the
21 Department of Public Welfare. The two hours of continuing
22 education on child abuse recognition and reporting shall
23 be completed by each licensee as a portion of the total
24 continuing education required for biennial license
25 renewal.

26 (4) A licensing board with jurisdiction over
27 professional licensees identified as mandated reporters under
28 this chapter may exempt an applicant or licensee from the
29 training or continuing education required by this paragraph <--

30 (3) if all of the following apply: <--

1 (i) The applicant or licensee submits documentation
2 acceptable to the licensing board that the person has
3 already completed child abuse recognition training.

4 (ii) The training was:

5 (A) required by section 1205.6 of the act of
6 March 10, 1949 (P.L.30, No.14), known as the Public
7 School Code of 1949, and the training program was
8 approved by the Department of Education in
9 consultation with the Department of Public Welfare;
10 or

11 (B) required by the act of June 13, 1967
12 (P.L.31, No.21), known as the Public Welfare Code,
13 and the training program was approved by the
14 Department of Public Welfare.

15 (iii) The amount of training received equals or
16 exceeds the amount of training or continuing education
17 required by this paragraph.

18 ~~(5) A licensing board with jurisdiction over~~ <--
19 ~~professional licensees identified as mandated reporters under~~
20 ~~this chapter may exempt any licensee whom the board~~
21 ~~determines does not come into contact with children as part~~
22 ~~of their professional practice.~~

23 (5) UPON BIENNIAL RENEWAL OF A LICENSE, A LICENSING <--
24 BOARD SHALL PROVIDE TO PROFESSIONAL LICENSEES UNDER ITS
25 JURISDICTION IDENTIFIED AS MANDATED REPORTERS INFORMATION
26 RELATED TO MANDATORY REPORTING OF CHILD ABUSE AND THE
27 REPORTING REQUIREMENTS OF LICENSEES.

28 (6) A PROFESSIONAL LICENSEE IDENTIFIED AS A MANDATED
29 REPORTER MAY APPLY TO THE LICENSING BOARD WITH JURISDICTION
30 OVER THE LICENSEE FOR AN EXEMPTION FROM THE TRAINING OR

1 CONTINUING EDUCATION REQUIRED BY PARAGRAPH (3). A LICENSING
2 BOARD MAY EXEMPT THE LICENSEE IF THE LICENSEE SUBMITS
3 DOCUMENTATION ACCEPTABLE TO THE LICENSING BOARD THAT THE
4 LICENSEE SHOULD NOT BE SUBJECT TO THE TRAINING OR CONTINUING
5 EDUCATION REQUIREMENT.

6 (C) TRAINING OF PERSONS SUBJECT TO DEPARTMENT REGULATION.--

7 (1) THE FOLLOWING PERSONS SHALL BE REQUIRED TO MEET THE
8 CHILD ABUSE RECOGNITION AND REPORTING TRAINING REQUIREMENTS
9 OF THIS SUBSECTION:

10 (I) OPERATORS OF INSTITUTIONS, FACILITIES OR
11 AGENCIES WHICH CARE FOR CHILDREN AND ARE SUBJECT TO
12 SUPERVISION BY THE DEPARTMENT UNDER ARTICLE IX OF THE
13 PUBLIC WELFARE CODE, AND THEIR EMPLOYEES WHO HAVE DIRECT
14 CONTACT WITH CHILDREN.

15 (II) FOSTER PARENTS.

16 (III) OPERATORS OF FACILITIES AND AGENCIES WHICH
17 CARE FOR CHILDREN AND ARE SUBJECT TO LICENSURE BY THE
18 DEPARTMENT UNDER ARTICLE X OF THE PUBLIC WELFARE CODE AND
19 THEIR EMPLOYEES WHO HAVE DIRECT CONTACT WITH CHILDREN.

20 (IV) CAREGIVERS IN FAMILY DAY CARE HOMES WHICH ARE
21 SUBJECT TO REGISTRATION BY THE DEPARTMENT UNDER
22 SUBARTICLE (C) OF ARTICLE X OF THE PUBLIC WELFARE CODE
23 AND THEIR EMPLOYEES WHO HAVE DIRECT CONTACT WITH
24 CHILDREN.

25 (2) WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
26 SUBSECTION, OPERATORS AND CAREGIVERS SHALL RECEIVE THREE
27 HOURS OF TRAINING PRIOR TO THE ISSUANCE OF A LICENSE,
28 APPROVAL OR REGISTRATION CERTIFICATE AND THREE HOURS OF
29 TRAINING EVERY FIVE YEARS THEREAFTER.

30 (3) EMPLOYEES WHO HAVE DIRECT CONTACT WITH CHILDREN AND

1 FOSTER PARENTS SHALL RECEIVE THREE HOURS OF TRAINING WITHIN
2 SIX MONTHS OF THE ISSUANCE OF A LICENSE, APPROVAL OR
3 REGISTRATION CERTIFICATE AND THREE HOURS OF TRAINING EVERY
4 FIVE YEARS THEREAFTER. NEW EMPLOYEES AND NEW FOSTER PARENTS
5 SHALL RECEIVE THREE HOURS OF TRAINING WITHIN 90 DAYS OF HIRE
6 OR APPROVAL AS A FOSTER PARENT AND THREE HOURS OF TRAINING
7 EVERY FIVE YEARS THEREAFTER.

8 (4) TRAINING CURRICULUM SHALL BE APPROVED BY THE
9 DEPARTMENT AND SHALL ADDRESS, BUT NOT BE LIMITED TO, THE
10 FOLLOWING:

11 (I) RECOGNITION OF THE SIGNS OF ABUSE AND REPORTING
12 REQUIREMENTS FOR SUSPECTED ABUSE IN THIS COMMONWEALTH.

13 (II) FOR INSTITUTIONS, FACILITIES AND AGENCIES UNDER
14 PARAGRAPH (1) (I), THEIR POLICIES RELATED TO REPORTING OF
15 SUSPECTED ABUSE.

16 (5) A PERSON MAY BE EXEMPTED FROM THE REQUIREMENTS OF
17 THIS SUBSECTION IF ALL OF THE FOLLOWING APPLY:

18 (I) THE PERSON PROVIDES DOCUMENTATION THAT THE
19 PERSON HAS ALREADY COMPLETED CHILD ABUSE RECOGNITION AND
20 REPORTING TRAINING.

21 (II) THE TRAINING WAS:

22 (A) REQUIRED BY SECTION 1205.6 OF THE PUBLIC
23 SCHOOL CODE OF 1949, AND THE TRAINING PROGRAM WAS
24 APPROVED BY THE DEPARTMENT OF EDUCATION IN
25 CONSULTATION WITH THE DEPARTMENT; OR

26 (B) REQUIRED BY THIS CHAPTER AND THE TRAINING
27 PROGRAM WAS APPROVED BY THE DEPARTMENT.

28 (III) THE AMOUNT OF TRAINING RECEIVED EQUALS OR
29 EXCEEDS THE AMOUNT OF TRAINING REQUIRED BY THIS
30 SUBSECTION.

1 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
2 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
3 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

4 "DIRECT CONTACT WITH CHILDREN." THE CARE, SUPERVISION,
5 GUIDANCE OR CONTROL OF CHILDREN OR ROUTINE INTERACTION WITH
6 CHILDREN.

7 "OPERATOR." AN EXECUTIVE OR FACILITY DIRECTOR. THE TERM DOES
8 NOT INCLUDE A PERSON WHO IS NOT INVOLVED IN MANAGERIAL DECISIONS
9 RELATED TO THE PROVISION OF SERVICES FOR OR CARE OF CHILDREN
10 WITH REGARD TO ANY OF THE FOLLOWING:

11 (1) PERSONNEL.

12 (2) POLICY AND PROCEDURES.

13 (3) REGULATORY COMPLIANCE.

14 (4) SERVICES RELATED TO THE GENERAL OR MEDICAL CARE OF
15 CHILDREN.

16 (5) SUPERVISION OF CHILDREN.

17 (6) SAFETY OF CHILDREN.

18 Section 2. The addition of 23 Pa.C.S. § 6383(b)(3) ~~applies,~~ <--
19 (C) AND (D) APPLY to persons applying for a license ~~or,~~ <--
20 certification, APPROVAL OR REGISTRATION, or for the renewal of a <--
21 license ~~or,~~ certification, APPROVAL OR REGISTRATION, on or after <--
22 January 1, 2015.

23 Section 3. This act shall take effect ~~in 60 days~~ DECEMBER <--
24 31, 2014.