

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, YOUNGBLOOD AND KORTZ, JANUARY 21, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 5, 2015

AN ACT

1 Providing for unannounced inspections of certain facilities and
2 persons that provide child day care; conferring powers and
3 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 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 licensed under the act of June 13, 1967 (P.L.31,  
18 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.--For a child day-care center  
28 and a family ~~child-care~~ DAY-CARE home, in accordance with <--  
29 current requirements for an annual inspection under the act of  
30 June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code,

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

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

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

19 (2) Except for those complaints under paragraph (1), the  
20 department shall determine the acceptable time frame in which  
21 complaints shall be investigated based upon the seriousness  
22 of the complaint.

23 (3) This subsection applies to all facilities, including  
24 those that are required to be licensed or supervised under  
25 the Public Welfare Code, but which are not so licensed or  
26 supervised.

27 (e) Report to General Assembly.--The department shall submit  
28 on an annual basis a report to the Public Health and Welfare  
29 Committee of the Senate and the Health Committee of the House of  
30 Representatives regarding the findings of the inspections

1 required by this section.

2 Section 4. Licensure of family day-care homes.

3 Notwithstanding any other provision of law, a family day-care  
4 home shall be licensed under Article X of the act of June 13,  
5 1967 (P.L.31, No.21), known as the Public Welfare Code.

6 Section 5. Repeals.

7 Repeals are as follows:

8 (1) The General Assembly declares that the repeal under  
9 paragraph (2) is necessary to effectuate this act.

10 (2) Subarticle (c) of Article X of the act of June 13,  
11 1967 (P.L.31, No.21), known as the Public Welfare Code, is  
12 repealed.

13 Section 6. Abrogation.

14 The application, inspection and registration provisions under  
15 55 Pa. Code § 3290.11 (relating to application for and issuance  
16 of a certificate of registration) are abrogated insofar as they  
17 are inconsistent with this act.

18 Section 7. Effective date.

19 This act shall take effect immediately.