

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1742 Session of 2017

INTRODUCED BY MEHAFFIE, SOLOMON, MILLARD, MUSTIO, THOMAS, RYAN, STURLA, LEWIS, WARD, V. BROWN, ROEBUCK, SCHLOSSBERG, NEILSON, WATSON, DALEY, DONATUCCI, BRADFORD, CONKLIN, MURT, ENGLISH AND MICCARELLI, AUGUST 24, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 25, 2018

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 supervision, further providing for definitions and
5 providing for Keystone STARS Program participants; and,
6 in departmental powers and duties as to licensing, further
7 providing for definitions and for fees and, providing for
8 Keystone STARS Program participants AND FURTHER PROVIDING FOR
9 DEFINITIONS. <-- <-- <--

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definitions of "child day care" and
13 "children's institutions" in section 901 of the act of June 13,
14 1967 (P.L.31, No.21), known as the Human Services Code, are
15 amended to read: <--

16 Section 901. Definitions. As used in this article
17 "Child [day] care" means care in lieu of parental care given
18 for part of the twenty four hour day to a child under sixteen
19 years of age, away from the child's home but does not include
20 child [day] care furnished in a place of worship during

1 ~~religious services.~~

2 ~~"Children's institutions" means any incorporated or~~  
3 ~~unincorporated organization, society, corporation or agency,~~  
4 ~~public or private, which may receive or care for children, or~~  
5 ~~place them in foster family homes, either at board, wages or~~  
6 ~~free; or any individual who, for hire, gain or reward, receives~~  
7 ~~for care a child, unless he is related to such child by blood or~~  
8 ~~marriage within the second degree; or any individual, not in the~~  
9 ~~regular employ of the court or of an organization, society,~~  
10 ~~association or agency, duly certified by the department, who in~~  
11 ~~any manner becomes a party to the placing of children in foster~~  
12 ~~homes, unless he is related to such children by blood or~~  
13 ~~marriage within the second degree, or is the duly appointed~~  
14 ~~guardian thereof. The term shall not include a family child care~~  
15 ~~home or child [day] care center operated for profit and subject~~  
16 ~~to the provisions of Article X.~~

17 ~~\* \* \*~~

18 Section 2 1. The act OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN <--  
19 AS THE HUMAN SERVICES CODE, is amended by adding a section to  
20 read:

21 Section 923. Keystone STARS Program Participants.--(a) Each  
22 child care provider enrolled in the Keystone STARS Program  
23 shall:

24 (1) conspicuously denote on its publicly accessible Internet  
25 website, if operational, its designated STAR-level rating,  
26 which shall include how many STARS out of four that the child  
27 care provider has received;

28 (2) provide its STAR-level rating in writing to families at  
29 the time of application and enrollment; and

30 (3) obtain a department-issued placard that denotes the

1 child care provider's participation in the Keystone STARS  
2 Program and designated STAR-level rating.

3 (b) The department shall be responsible for issuing placards  
4 to program participants. The department shall also be  
5 responsible for designing placards in the following manner:

6 (1) The placards shall be clear, visible and readable by the  
7 general public.

8 (2) In addition to any guidelines issued by the department  
9 regarding the form of the placards, placards shall include the  
10 following information:

11 (i) The name of the recipient child care provider.

12 (ii) The name of the department.

13 (iii) The date the department issued the placard.

14 (iv) The number of STARS out of four that the child care  
15 provider has received.

16 (v) The address, phone number, publicly accessible Internet  
17 website and e-mail address of the department.

18 (vi) The web address for the publicly accessible Internet  
19 website of the department that provides information and  
20 resources related to Keystone STARS Program.

21 (c) Placards shall be posted in any public-facing window on  
22 or adjacent to the entrance of the child care provider or, if no  
23 public-facing window exists, at the entrance of the child care  
24 provider.

25 ~~(d) A child care provider that fails to publicly display its <--~~  
26 ~~designated STAR level rating or alters a department issued~~  
27 ~~placard in an attempt to misrepresent the provider's STAR level~~  
28 ~~rating may be subject to any penalties that the department deems~~  
29 ~~appropriate.~~

30 ~~(e) The department shall ensure on an annual basis that the~~

1 ~~STARS placard is posted and accurate.~~

2 ~~(D) THE DEPARTMENT SHALL ENSURE ON AN ANNUAL BASIS THAT THE <--~~  
3 ~~PLACARD IS POSTED AND ACCURATE.~~

4 ~~(E) A CHILD CARE PROVIDER THAT FAILS TO PUBLICLY DISPLAY ITS~~  
5 ~~DESIGNATED STAR-LEVEL RATING OR ALTERS A DEPARTMENT-ISSUED~~  
6 ~~PLACARD IN AN ATTEMPT TO MISREPRESENT ITS STAR-LEVEL RATING~~  
7 ~~SHALL BE CITED FOR NONCOMPLIANCE BY THE DEPARTMENT AND SHALL BE~~  
8 ~~SUBJECT TO A ONE STAR-LEVEL RATING FOR TWO YEARS.~~

9 ~~Section 3. The definitions of "child day care," "child day <--~~  
10 ~~care center," "facility" and "family child care home" in section~~  
11 ~~1001 of the act are amended to read:~~

12 ~~Section 1001. Definitions. As used in this article~~

13 ~~\* \* \*~~

14 ~~"Child [day] care" means care in lieu of parental care given~~  
15 ~~for part of the twenty four hour day to children under sixteen~~  
16 ~~years of age, away from their own homes, but does not include~~  
17 ~~child [day] care furnished in places of worship during religious~~  
18 ~~services.~~

19 ~~"Child [day] care center" means any premises operated for~~  
20 ~~profit in which child [day] care is provided simultaneously for~~  
21 ~~seven or more children who are not relatives of the operator,~~  
22 ~~except such centers operated under social service auspices.~~

23 ~~\* \* \*~~

24 ~~"Facility" means an adult day care center, child [day] care~~  
25 ~~center, family child care home, boarding home for children,~~  
26 ~~mental health establishment, personal care home, assisted living~~  
27 ~~residence, nursing home, hospital or maternity home, as defined~~  
28 ~~herein, except to the extent that such a facility is operated by~~  
29 ~~the State or Federal governments or those supervised by the~~  
30 ~~department or licensed pursuant to the act of July 19, 1979~~

1 ~~(P.L.130, No.48), known as the "Health Care Facilities Act."~~

2 ~~"Family child care home" means a home where child [day] care~~  
3 ~~is provided at any time to no less than four children and no~~  
4 ~~more than six children who are not relatives of the caregiver.~~

5 \* \* \*

6 Section 4 2. Section 1006 of the act is amended to read: <--

7 Section 1006. Fees.--Annual licenses shall be issued when  
8 the proper fee, if required, is received by the department and  
9 all the other conditions prescribed in this act are met. For  
10 personal care homes, the fee shall be an application fee. The  
11 fees shall be:

12 Facility	Annual Fee
13 Adult day care center	\$ 15
14 Mental health establishment	50
15 Personal care home-- 0 - 20 beds	15
16 -- 21 - 50 beds	20
17 -- 51 - 100 beds	30
18 --101 beds and above	50

19 No fee shall be required for the annual license in the case of  
20 [day] child care centers, family child care homes, boarding  
21 homes for children or for public or nonprofit mental  
22 institutions.

23 Section 5 3. The act is amended by adding a section to read: <--

24 Section 1018.1. Keystone STARS Program Participants.--(a)  
25 Each child care center and family child care home enrolled in  
26 the Keystone STARS Program shall:

27 (1) conspicuously denote on its publicly accessible Internet  
28 website, if operational, its designated STAR-level rating,  
29 which shall include how many STARS out of four that the child  
30 care center or family child care home has received;

1 (2) provide its STAR-level rating in writing to families at  
2 the time of application and enrollment; and

3 (3) obtain a department-issued placard that denotes the  
4 child care center's or family child care home's participation in  
5 the Keystone STARS Program and designated STAR-level rating.

6 (b) The department shall be responsible for issuing placards  
7 to program participants. The department shall also be  
8 responsible for designing placards in the following manner:

9 (1) The placards shall be clear, visible and readable by the  
10 general public.

11 (2) In addition to any guidelines issued by the department  
12 regarding the form of the placards, placards shall include the  
13 following information:

14 (i) The name of the recipient child care center or family  
15 child care home.

16 (ii) The name of the department.

17 (iii) The date the department issued the placard.

18 (iv) The number of STARS out of four that the child care  
19 center or family child care home has received.

20 (v) The address, phone number, publicly accessible Internet  
21 website and e-mail address of the department.

22 (vi) The web address for the publicly accessible Internet  
23 website of the department that provides information and  
24 resources related to Keystone STARS Program.

25 (c) Placards shall be posted in any public-facing window on  
26 or adjacent to the entrance of the child care center or family  
27 child care home or, if no public-facing window exists, at the  
28 entrance of the child care center or family child care home.

29 ~~(d) A child care center or family child care home that fails~~<--  
30 ~~to publicly display its designated STAR level rating or alters a~~

1 ~~department issued placard in an attempt to misrepresent the~~  
2 ~~facility's STAR level rating may be subject to any penalties~~  
3 ~~that the department deems appropriate.~~

4 ~~(c) The department shall ensure on an annual basis that the~~  
5 ~~STARS placard is posted and accurate.~~

6 (D) THE DEPARTMENT SHALL ENSURE ON AN ANNUAL BASIS THAT THE <--  
7 PLACARD IS POSTED AND ACCURATE.

8 (E) A CHILD CARE CENTER OR FAMILY CHILD CARE HOME THAT FAILS  
9 TO PUBLICLY DISPLAY ITS DESIGNATED STAR-LEVEL RATING OR ALTERS A  
10 DEPARTMENT-ISSUED PLACARD IN AN ATTEMPT TO MISREPRESENT ITS  
11 STAR-LEVEL RATING SHALL BE CITED FOR NONCOMPLIANCE BY THE  
12 DEPARTMENT AND SHALL BE SUBJECT TO A ONE STAR-LEVEL RATING FOR  
13 TWO YEARS.

14 Section 6 4. Section 1051 of the act is amended to read: <--

15 Section 1051. Definition.--As used in this subarticle--

16 "Private institution" means any of the following facilities  
17 by whatever term known and irrespective of the age group served:  
18 Mental hospital, institution for the mentally defective, [day]  
19 child care center, nursing home, hospital, personal care home,  
20 assisted living residence and other similar institution which is  
21 operated for profit and which requires a license issued by the  
22 department.

23 Section 7 5. This act shall take effect in 180 days. <--