
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 72 Session of
2017

INTRODUCED BY GODSHALL, V. BROWN, CALTAGIRONE, CAUSER, D. COSTA,
DEASY, HAHN, JAMES, KINSEY, KNOWLES, McCARTER, McNEILL,
MILLARD, MOUL, NEILSON, O'BRIEN, PETRARCA, RAVENSTAHL,
SAMUELSON, SAYLOR, STAATS, STEPHENS, STURLA, WARD, WATSON,
GABLER, M. QUINN AND DeLUCA, JANUARY 23, 2017

REFERRED TO COMMITTEE ON HEALTH, JANUARY 23, 2017

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; and abrogating a
4 regulation.

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

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

1 place of worship during religious services.

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

7 "Department." The Department of Human Services of the
8 Commonwealth.

9 "Facility." Any of the following:

10 (1) Child day-care center.

11 (2) Family day-care home.

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

17 Section 3. Inspections.

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

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

25 (c) Frequency of inspections.--For a child day-care center
26 and a family day-care home, in accordance with current
27 requirements for an annual inspection under the act of June 13,
28 1967 (P.L.31, No.21), known as the Human Services Code, the
29 department shall annually conduct at least one onsite,
30 unannounced inspection of each facility. This unannounced

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

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

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

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

21 (3) This subsection applies to all facilities, including
22 those that are required to be licensed or supervised under
23 the Human Services Code, but which are not so licensed or
24 supervised.

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

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

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

4 Section 5. Abrogation.

5 The application, inspection and registration provisions under
6 55 Pa. Code § 3290.11 (relating to application for and issuance
7 of a certificate of registration) are abrogated insofar as they
8 are inconsistent with this act.

9 Section 6. Effective date.

10 This act shall take effect immediately.