

2019D08298MAB:CDM

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to licensing, further providing for right to enter and inspect.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	

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 licensing, further providing for right to enter
5 and inspect.

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

8 Section 1. Section 1016 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Human Services Code, is amended to read:

10 Section 1016. Right to Enter and Inspect.--(a) For the
11 purpose of determining the suitability of the applicants and of
12 the premises or whether or not any premises in fact qualifies as
13 a facility as defined in section 1001 of this act or the
14 continuing conformity of the licensees to this act and to the
15 applicable regulations of the department, any authorized agent
16 of the department shall have the right to enter, visit and
17 inspect any facility licensed or requiring a license under this
18 act and shall have full and free access to the records of the
19 facility and to the individuals therein and full opportunity to

1 interview, inspect or examine such individuals.

2 (b) An authorized agent of the department shall also confer
3 with the operators of facilities regarding the minimum standards
4 of the department, encourage the adoption of higher standards
5 and recommend methods of improving care and services.

6 (c) A family child care home shall:

7 (1) Have a smoke detector on each floor and in the basement.
8 The smoke detectors on each floor and in the basement of the
9 family child care home shall be interconnected via hardwire,
10 Bluetooth connectivity or any other means that allows for
11 communications between the devices. The smoke detectors may be
12 powered by a nonreplaceable lithium battery listed by
13 Underwriters Laboratories that is warranted for ten years and
14 should sound an alarm when activated that is audible to persons
15 in the facility's indoor child care space with all intervening
16 doors closed. Where this type of detector is utilized, the
17 facility owner of this detector shall keep the proof and date of
18 purchase of the detector in the facility's fire drill logs.

19 (2) Have a portable fire extinguisher rated for Class B
20 Fires in the kitchen and other cooking areas.

21 (3) Meet the exiting requirements for an R-3 occupancy and
22 licensure under 55 Pa. Code Ch. 3290 (relating to family child
23 day care homes).

24 (d) At the time of inspection, an operator of a child care
25 center or family child care home shall submit to the department
26 written affirmation on a form provided by the department stating
27 that the child care center or family child care home maintains a
28 written emergency plan, fire drill log and posted evacuation
29 routes. A regional certification staff shall conduct a visual
30 inspection of the facility to ensure the facility is in

1 compliance with fire safety requirements with respect to smoke
2 detectors under the act of April 27, 1927 (P.L.465, No.299),
3 referred to as the "Fire and Panic Act," and the act of November
4 10, 1999 (P.L.491, No.45), known as the "Pennsylvania
5 Construction Code Act." Upon inspection under this section,
6 notice of any failure to satisfy the safety requirements of this
7 subsection in a child care center or family child care home
8 shall be provided to the building code official charged by law
9 or ordinance with the enforcement of safety requirements. Upon
10 request by the department, the building code official shall
11 furnish to the department the proper reports and information
12 with respect to the requirements of this subsection for a child
13 care center or family child care home to ensure compliance with
14 this section.

15 Section 2. All regulations and parts of regulations are
16 abrogated insofar as they are inconsistent with this act.

17 Section 3. This act shall take effect in 120 days.

