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COMMONWEALTH OF PENNSYLVANIA APR 21 PM 3:47
DEPARTMENT OF PUBLIC WELFARE
P.O. BOX 2675
HARRISBURG, PENNSYLVANIA 17105-2675

INDEPENDENT REGULATORY
REVIEW COMMISSION

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Feather O. Houstoun
Secretary

APR 21 1999

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, Pennsylvania 17101

Dear Mr. Nyce:

The Independent Regulatory Review Commission has suggested corrections to two sections of the final form regulation #14-442 (relating to Child Residential and Day Treatment Facility regulations), that were submitted for your review on April 8, 1999. At the Commission's request, we are requesting to toll the final form regulations to correct a deficiency in § 3800.56 (relating to exceptions for staff qualifications) and § 3800.283 (1) (relating to additional requirements for secure care). Attached are the corrected pages to the final-form regulations.

The corrections reflect the correct term of child care worker, rather than child care supervisor, in §3800.283 (1) and a corresponding correction to § 3800.56 as requested by the Commission. Since the preamble did reflect the correct change from proposed rulemaking, no corrections to the preamble are being submitted.

Sincerely,

Feather O. Houstoun

cc: Honorable Harold F. Mowery, Jr., Senate of Pennsylvania
Honorable Vincent J. Hughes, Senate of Pennsylvania
Honorable Jere W. Schuler, House of Representatives
Honorable Frank J. Pistella, House of Representatives
Howard Burde, Deputy General Counsel

(a) There shall be one child care worker present with the children for every eight children who are 6 years of age or older, during awake hours.

(b) There shall be one child care worker present with the children for every 16 children who are 6 years of age and older, during sleeping hours.

(c) There shall be one child care worker present with the children for every four children who are under 6 years of age, during awake hours.

(d) There shall be one child care worker present with the children for every eight children who are under 6 years of age, during sleeping hours.

(e) If there are children who are under 6 years of age and 6 years of age and older in the same group, the ratios specified in subsections (c) and (d) apply.

(f) The child care worker shall be responsible for implementing daily activities and for supervision of the children.

(g) The child care worker shall have a high school diploma or general education development certificate.

(h) A child care worker who is counted in the worker to child ratio shall be **[21] 18** years of age or older if **all the children served in the facility are under 18 years of age. A child care worker who is counted in the worker to child ratio shall be 21 years of age or older if one or more children served in the facility are 18 years of age or older.**

§ 3800.56. Exceptions for staff qualifications.

(a) The staff qualification requirements specified in § 3800.53 (c) (relating to director), § 3800.54 (d) (relating to child care supervisor), § 3800.55 (g) (relating to child care worker), and §3800.283 (1) (relating to child care worker) do not apply to staff persons hired or promoted to the specified positions prior to the effective date of this chapter.

(b) For facilities previously certified under 55 Pa. Code Chapters 5310 (relating to Community Residential Rehabilitation Services for the Mentally III) or 6400 (relating to Community Homes for Individuals with Mental Retardation), the age requirements specified at § 3800.55(h) (relating to child care worker) do not apply to staff persons hired, or counted in the worker to child ratio, prior to the effective date of this chapter.

§ 3800.5[6]7. Supervision.

(a) While children are at the facility, children shall be supervised during awake and sleeping hours by conducting observational checks of each child at least every hour.

SECURE DETENTION

§ 3800.281. Requirements for secure detention.

The requirements and exceptions for secure care apply for secure detention.

§ 3800.282. Exceptions for secure detention.

The following requirements do not apply for secure detention:

(1) Section 3800.55 (g) (relating to child care worker qualifications).

[(1)] (2) Section 3800.143(b) (relating to child [physical] health examination).

[(2)] (3) Sections 3800.221–3800.22[5] 8 (relating to services).

§ 3800.283. Additional requirements.

The following additional requirements apply to facilities in which secure detention is provided:

[(1) No more than one child may occupy a bedroom.]

(1) The child care worker shall have an associate's degree or 60 credit hours from an accredited college or university.

(2) No more than 12 children may be in a group at any one time.

(3) No more than 12 children may occupy a sleeping unit or area.

(4) The child health and safety assessment required in § 3800.141 (relating to child health and safety assessment) shall be completed within 1 hour of admission.

(5) The child [physical] health examination as required in § 3800.143 (relating to child [physical] health examination) shall be completed within 96 hours after admission.

(6) The facility shall comply with the provisions of 42 Pa. C.S. §§ 6301 - 6365 (relating to the Juvenile Act) related to detention.

(7) No child shall be admitted to a secure detention facility who is 9 years of age or younger, or who is 18 years of age or older, unless the child is a juvenile as defined in the Juvenile Act.

(8) No child shall remain in the facility longer than is absolutely necessary.

**TRANSMITTAL SHEET FOR REGULATION SUBJECT TO THE
REGULATORY REVIEW ACT**

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INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 14-442
SUBJECT: Child Residential and Day Treatment Facilities
AGENCY: Department of Public Welfare

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- X Tolling Request Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120 Day Emergency Certification By Attorney General
- 120 Emergency Certification of the Governor

FILING OF REQUEST FOR TOLLING AND SUBMISSION OF FINAL REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>4-21-99</u>	<u>Debbie Eaton</u>	Senate Public Health and Welfare Committee
<u>4-21-99</u>	<u>El Sochil</u>	
<u>4-21-99</u>	<u>Debbie Eaton</u>	House Aging and Youth Committee
<u>4/21-99</u>	<u>Jetta Hartman</u>	
<u>4/21/99</u>	<u>Meg Segatz</u>	Independent Regulatory Review Commission