

#2539

RECEIVED

From: Vicky Dougherty [vickyd@intrepid-video.com]
Sent: Tuesday, April 01, 2008 3:32 PM
To: IRRC
Cc: jlau@state.pa.us
Subject: Child Care Facility Regulations

2008 APR -1 PM 3:50

INDEPENDENT REGULATORY
REVIEW COMMISSION

On March 10, 2008 the Pennsylvania Department of Welfare submitted its revised final form regulations entitled "child Care Facilities" to the House Children and Youth Committee, Senate Public Health and Welfare Committee and the IRRC for review; #14-506 (#2539).

These regulations provide minimum standards for the operation of approximately 9,000 facilities which serve over 300,000 children across the Commonwealth of Pennsylvania. This is the first update since April of 1992, sixteen years ago, and is long overdue.

As a mother whose sixteen month old son died this past September from injury incurred at a Dauphin County family run daycare, I am writing in support of these revised regulations. However, I would also like to voice some remaining concerns which I do not feel are addressed in these proposed regulations.

About half of the 9,000 day care situations in the state are home based, family run daycares. According to current registration regulations by the state, providers simply self-certify that they are in compliance with all relevant regulations. I feel that a pre-registration inspection should be conducted by trained personnel to ensure safe environmental and equipment conditions are present before allowing a provider to set up shop. Consider the amount of recent product recalls involving baby products, in particular cribs and playpens. An old, ill-maintained crib was involved in my son's incident, and may have been removed if a trained eye had inspected the environment. I have been informed that this could be cost-prohibitive to the Department of Public Welfare, but I would propose that an inspection fee be charged to offset costs. I would be curious to know how many new applications for registration are received in a year and how many more personnel this would require in reality. The state provides financial subsidies to daycare providers to assist low-income families who need assistance with day care costs, and I maintain that the state does not know what it is paying for if there is no inspection process in place before a registration certificate is issued.

Only 15 out of every 100 facilities are inspected per year, on a random basis. Facilities can go several years with no oversight unless a complaint is filed against them. When violations are uncovered, there are no real consequences to a provider. They have 30 days to submit a written report on how the violation will be corrected, no one comes to re-inspect to my knowledge, they can appeal any decision by DPW and this process can take several months. I would propose that any false information provided on registration applications or any other documents by a provider result in criminal misdemeanor charges. Also, violations should be divided into classes; there's a big difference between giving kids an unhealthy snack and watching more children than allowed. There were 10 children present when my son was fatally injured although six is the allowable standard. Some violations should result in immediate revocation of registration with no appeal permitted.

Liability insurance should be required of all providers, including home based family run providers. Accidents do happen even when all regulations are complied with, and this can be financially as well as emotionally devastating to a family. Even a broken arm can incur substantial medical costs, and many families are uninsured (possibly changing jobs and in a waiting period for coverage to begin) or under-insured. Homeowners policies do not cover claims if a business is run out of the home unless an additional rider is purchased. I feel this should be a cost of doing business just like most other self-employed individuals are required to carry liability insurance.

In conclusion, many of the proposed regulations do address long needed changes and I support their adoption into law. This should be viewed as a good start, however I sincerely hope this is not the end of discussion on this crucial matter.

Respectfully,
Victoria Ryan Dougherty

Victoria Dougherty
Harrisburg PA, 17111
717-564-1426
vickyd@intrepid-video.com