S T A T E O F N E W Y O R K

6749

I N S E N A T E

February 16, 2016

Introduced by Sens. KLEIN, SAVINO, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the establishment of a letter grading system to classify inspection results for child day care providers in the city of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 390 of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-A. (A) THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK SHALL ESTABLISH A SYSTEM FOR A HEALTH AND SAFETY GRADING OF THE INSPECTION RESULTS FOR CHILD DAY CARE PROVIDERS IN SUCH CITY. SUCH SYSTEM SHALL USE AND POST LETTERS A, B OR C TO IDENTIFY AND REPRESENT SUCH GRADING AND CLASSIFICATION WITH ALL OTHER LOWER GRADES BEING DEEMED TO BE FAILING GRADES IN ACCORDANCE WITH THE PROVISIONS OF THE HEALTH CODE OF THE CITY OF NEW YORK. IN ESTABLISHING SUCH SYSTEM OF STANDARDS AND GRADES, THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK SHALL TAKE INTO ACCOUNT THE PROVISIONS OF LAW, RULES AND REGULATIONS GOVERNING THE LICENSING, REGISTRATION AND INSPECTION OF CHILD DAY CARE PROVIDERS AS THEY RELATE TO THE HEALTH AND SAFETY OF CHILDREN CARED FOR BY SUCH PROVIDERS TO ESTABLISH A HEALTH AND SAFETY GRADING SYSTEM THAT PROMOTES AND ENSURES THE SAFETY AND WELL-BEING OF CHILDREN IN CHILD DAY CARE.

(B) EACH CHILD DAY CARE PROVIDER IN THE CITY OF NEW YORK SHALL CONSPICUOUSLY POST NEAR THE ENTRANCE OF ITS LICENSED PREMISES THE LETTER GRADE IDENTIFYING AND REPRESENTING THE RESULTS OF SUCH PROVIDER'S MOST RECENT INSPECTIONS. SUCH POSTING SHALL BE DONE IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK.

(C) THE SUGGESTED INTERVAL BETWEEN REGULARLY SCHEDULED INSPECTIONS OF CHILD DAY CARE PROVIDERS MAY BE AS FOLLOWS:

(I) FOR PROVIDERS WITH A GRADE OF "A", AT LEAST ONCE EVERY YEAR;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(II) FOR PROVIDERS WITH A GRADE OF "B", AT LEAST ONCE EVERY NINE MONTHS; AND

(III) FOR PROVIDERS WITH A GRADE OF "C", AT MORE FREQUENT INTERVALS AS DEEMED APPROPRIATE BY THE COMMISSIONER.

PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS PARAGRAPH SHALL NOT NEGATE THE ABILITY TO INSPECT ANY CHILD DAY CARE PROVIDER ON THE BASIS OF A COMPLAINT FROM A MEMBER OF THE PUBLIC.

(D) A CHILD DAY CARE PROVIDER MAY REQUEST A REINSPECTION FROM A CITY HEALTH OFFICER TO UPGRADE SUCH PROVIDER'S LETTER GRADE. SUCH PROVIDER SHALL PAY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK A FEE OF NOT MORE THAN TWO HUNDRED DOLLARS FOR EACH SUCH REINSPECTION.

S 2. This act shall take effect one year after it shall have become a law. Provided, however, that effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.