

AMENDMENT TO H.R. 5876, AS REPORTED**OFFERED BY MR. McKeon**

Strike section 3(a)(1) of the bill (page 4, line 22 through page 9, line 17) and insert the following:

1 (1) EXPERT PANEL ON MINIMUM STAND-
2 ARDS.—

3 (A) IN GENERAL.—Not later than 30 days
4 after the date of the enactment of the Act, the
5 Assistant Secretary for Children and Families
6 of the Department of Health and Human Serv-
7 ices shall convene an expert panel of 15 mem-
8 bers to make recommendations to the Assistant
9 Secretary on the development and implementa-
10 tion of minimum standards for each location of
11 a covered program that individually or together
12 with other locations has an effect on interstate
13 commerce, in order to provide for the basic
14 health and safety of children at such a pro-
15 gram.

16 (B) COMPOSITION OF EXPERT PANEL.—
17 The Assistant Secretary, in convening the ex-
18 pert panel, shall appoint the following:

1 (i) At least one member, who has
2 demonstrated competency (as so evidenced)
3 in child welfare.

4 (ii) At least two members, who have
5 demonstrated competency (as so evidenced)
6 in addressing child abuse and neglect.

7 (iii) At least two members, who have
8 demonstrated competency (as so evidenced)
9 in operating State social work programs.

10 (iv) At least two members, who have
11 demonstrated competency (as so evidenced)
12 in operating State juvenile justice systems.

13 (v) At least one member, who has
14 demonstrated competency (as so evidenced)
15 in assessment and evaluation of programs
16 serving troubled and disadvantaged youth.

17 (vi) At least two members, who have
18 demonstrated competency (as so evidenced)
19 in successfully operating such covered pro-
20 grams.

21 (vii) At least three members who are
22 employees from a State with licensure re-
23 quirements in place for covered programs.

1 (viii) At least two parents who have or
2 had children enrolled in such covered pro-
3 grams.

4 (C) FOCUS OF EXPERT PANEL.—In devel-
5 oping such recommendations for minimum
6 standards, the expert panel shall examine and
7 review all Federal and State laws governing
8 child abuse and neglect and, at a minimum,
9 shall address the following:

10 (i) The prohibition of child abuse and
11 neglect at covered programs.

12 (ii) The prohibition of disciplinary
13 techniques or other practices that involve
14 the withholding of essential food, water,
15 clothing, shelter, or medical care necessary
16 to maintain physical health, mental health,
17 and general safety.

18 (iii) The protection and promotion of
19 the right of each child at such a program
20 to be free from physical and mechanical re-
21 straints and seclusion (as such terms are
22 defined in section 595 of the Public Health
23 Service Act (42 U.S.C. 290jj)) to the same
24 extent and in the same manner as a non-
25 medical, community-based facility for chil-

1 dren and youth is required to protect and
2 promote the right of its residents to be free
3 from such restraints and seclusion under
4 such section 595, including the prohibi-
5 tions and limitations described in sub-
6 section (b)(3) of such section.

7 (iv) The prohibition of acts of physical
8 or mental abuse designed to humiliate, de-
9 grade, or undermine a child's self-respect.

10 (v) Each child at such a program
11 shall have reasonable access to a telephone,
12 and be informed of their right to such ac-
13 cess, for making and receiving phone calls
14 with as much privacy as possible, and shall
15 have access to the appropriate State or
16 local child abuse reporting hotline number,
17 and the national hotline number referred
18 to in subsection (c)(2).

19 (vi) Each staff member, including vol-
20 unteers, at such a program shall be re-
21 quired, as a condition of employment, to
22 become familiar with what constitutes child
23 abuse and neglect, as defined by State law.

24 (vii) Each staff member, including
25 volunteers, at such a program shall be re-

1 quired, as a condition of employment, to
2 become familiar with the requirements, in-
3 cluding with State law relating to man-
4 dated reporters, and procedures for report-
5 ing child abuse and neglect in the State in
6 which such a program is located.

7 (viii) The provision of full disclosure,
8 in writing, of staff qualifications and their
9 roles and responsibilities at such program,
10 including medical, emergency response,
11 and mental health training, to parents or
12 legal guardians of children at such a pro-
13 gram, including providing information on
14 any staff changes, including changes to
15 any staff member's qualifications, roles, or
16 responsibilities, not later than 10 days
17 after such changes occur.

18 (ix) Each staff member at a covered
19 program described in subclause (I) or (II)
20 of section 2(4)(A)(i) shall be required, as
21 a condition of employment, to be familiar
22 with the signs, symptoms, and appropriate
23 responses associated with heatstroke, dehy-
24 dration, and hypothermia.

1 (x) Each staff member, including vol-
2 unteers, shall be required, as a condition of
3 employment, to submit to a criminal his-
4 tory check, including a name-based search
5 of the National Sex Offender Registry es-
6 tablished pursuant to the Adam Walsh
7 Child Protection and Safety Act of 2006
8 (Public Law 109-248; 42 U.S.C. 16901 et
9 seq.), a search of the State criminal reg-
10 istry or repository in the State in which
11 the covered program is operating, and a
12 Federal Bureau of Investigation finger-
13 print check. An individual shall be ineli-
14 gible to serve in a position with any con-
15 tact with children at a covered program if
16 any such record check reveals a felony con-
17 viction for child abuse or neglect, spousal
18 abuse, a crime against children (including
19 child pornography), or a crime involving vi-
20 olence, including rape, sexual assault, or
21 homicide, but not including other physical
22 assault or battery.

23 (xi) The implementation of policies
24 and procedures for the provision of emer-
25 gency medical care, including policies for

1 staff protocols for implementing emergency
2 responses.

3 (xii) The inclusion of a hyperlink to or
4 the URL address of the website created by
5 the Assistant Secretary pursuant to sub-
6 section (c)(1)(A) in all promotional and in-
7 formational materials produced by such a
8 program.

9 (xiii) The implementation of policies
10 to require parents or legal guardians of a
11 child attending such a program—

12 (I) to notify, in writing, such pro-
13 gram of any medication the child is
14 taking;

15 (II) to be notified within 24
16 hours of any changes to the child's
17 medical treatment and the reason for
18 such change; and

19 (III) to be notified within 24
20 hours of any missed dosage of pre-
21 scribed medication.

22 (xiv) The implementation of proce-
23 dures for notifying parents or legal guard-
24 ians with children at such a program of
25 any—

1 (I) on-site investigation of a re-
2 port of child abuse and neglect;

3 (II) violation of the health and
4 safety standards described in this
5 paragraph; and

6 (III) violation of State licensing
7 standards developed pursuant to sec-
8 tion 114(b)(1) of the Child Abuse
9 Prevention and Treatment Act, as
10 added by section 8 of this Act.

11 (xv) Other standards the Assistant
12 Secretary determines appropriate shall be
13 provided for the basic health and safety of
14 children at such a program.

15 (D) REPORT.—Not later than 90 days
16 after being convened by the Assistant Sec-
17 retary, the expert panel shall submit to the As-
18 sistant Secretary a report that provides rec-
19 ommendations on minimum standards to pro-
20 vide for the basic health and safety of children
21 at such a program.

