

CHAPTER 3

PERFORMANCE SUMMARY CARDS AND PENALTIES FOR CHILD CARE PROGRAMS

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§3-01 Scope and applicability.

This Chapter applies to any child care program holding a permit to operate in New York City pursuant to Article 47 of the Health Code (“Health Code”) located in Title 24 of the Rules of the City of New York.

§3-02 Definitions.

When used in this Chapter, the following terms have the following meanings:

“Permit” means a permit issued by the Department pursuant to Article 47 of the Health Code.

“Permit suspension” means a closure of a child care program due to a violation of the Health Code or any rule promulgated by the Department.

“Site” means the location, specified in a permit, where child care services are provided.

§3-03 Performance summary cards.

- (a) The Department shall issue a performance summary card to each child care program at each site at least once every 12 months.
- (b) A performance summary card issued to a child care program shall include the following information, as known as of the date such card is issued:
 - (1) a summary of inspection results for the 12 months preceding issuance of the card; and
 - (2) information on how to find the child care program’s inspection record for the site online.

§3-04 Posting.

- (a) Upon receipt of a performance summary card, a child care program shall post it in a conspicuous location within two feet of the front door or other main entrance to the site, between four and six feet above the ground or floor. The performance summary card shall not be defaced, marred, camouflaged, or hidden from public view, or posted in a manner that permits it to be damaged by exposure to weather.

- (b) A child care program that has a permit suspension reflected on its posted performance summary card shall also conspicuously post any additional document provided by the Department reflecting the reason for such suspension.
- (c) Upon receipt of a new performance summary card, a child care program shall post the new card and dispose of the prior performance summary card in a manner that prevents its reuse.
- (d) A child care program shall immediately surrender to the Department a posted performance summary card upon a permit suspension.
- (e) Except as provided in subdivision (d), a child care program may not remove or obscure a posted performance summary card except to replace it with an updated card, or as otherwise authorized by the Department.
- (f) If a child care program's performance summary card is damaged or stolen, the child care program shall immediately contact the Department to request a replacement card.

§3-05 Updated performance summary cards.

Upon request from a child care child care program, the Department will provide such program with an updated performance summary card. The Department may also provide an updated performance summary card to reflect a new permit suspension. Updated performance summary cards shall reflect a child care program's violations that were cited by the Department in the prior 12 months and permit suspensions imposed in the 12 months prior to the date of issuance. Upon receipt of an updated performance summary card, the child care program shall post such updated card and dispose of the prior performance summary card in a manner that prevents its reuse.

§3-06 Penalties.

- (a) The holder of a permit of a child care program or any other person found to be in violation of any of the following provisions by a hearing officer at the Office of Administrative Trials and Hearings or a successor tribunal must pay the following penalties for each such violation sustained:
 - (1) For a violation of Section 3-04(a) of this Chapter for operating without posting a performance summary card issued to the program: \$500; and
 - (2) For a violation of any other requirement of this Chapter: \$200.
- (b) To the extent permitted by law, if a person is found to be in default, the penalty imposed for a violation of Health Code Article 47 or of this Chapter must be twice the amount set forth in subdivision (a) of this section.