

STATE OF NEW YORK

8475--A

IN SENATE

June 11, 2008

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to an autism spectrum disorder prevalence study

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature finds that there is a
2 clear need for great accuracy in reporting and gathering epidemiologic
3 data on the incidence of autism spectrum disorders in New York state.
4 Further, the legislature finds that the state currently requires that a
5 number of other conditions, including cancer and birth defects, be
6 reported and maintained in a central registry. A similar registry
7 requirement for reporting diagnoses of autism spectrum disorders and
8 maintaining such information is needed to improve the current knowledge
9 and understanding of autism, to conduct thorough and complete epidemio-
10 logic surveys of the disorder, to enable analysis of this problem, and
11 to plan for and provide services to children with autism spectrum disor-
12 ders and their families.

13 § 2. Title C of the mental hygiene law is amended by adding a new
14 article 17 to read as follows:

ARTICLE 17

AUTISM SPECTRUM DISORDER PREVALENCE STUDY

Section 17.01 Autism spectrum disorder; prevalence study.

17.03 Autism spectrum disorders clinical workgroup.

§ 17.01 Autism spectrum disorder; prevalence study.

20 (a) The commissioner shall conduct an autism spectrum disorder preva-
21 lence study to provide information on the prevalence of autism in the
22 state.

23 (b) Such study shall include a limited registry of individuals with
24 autism, which will be created and maintained by the research institute
25 of the office.

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

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1 (c) Such limited registry shall be part of an epidemiologic study
2 which will identify factors that cause autism, including, but not limit-
3 ed to, genetics and environmental exposures.

4 (1) Such limited registry shall focus on births in two or more coun-
5 ties based on demographics to be determined by the office.

6 (2) Individuals found on initial screening to have developmental
7 delays consistent with autism shall be more thoroughly screened;
8 provided that if a child's parent or guardian objects to the reporting
9 of the child's diagnosis for any reason, the report thereof shall not
10 include any information that could be used to identify the child.

11 (d) Nothing in this article shall be construed to compel a child who
12 has been reported as affected with an autism spectrum disorder to submit
13 to a medical or health examination, or supervision by the office.

14 (e) A physician, psychologist or other health care professional
15 providing information to the office pursuant to this article shall not
16 be deemed to be or held liable for divulging confidential information.

17 (f) Every physician or psychologist licensed pursuant to article one
18 hundred fifty-three of the education law, and any other health care
19 professional licensed pursuant to title eight of the education law who
20 is qualified by training to make the diagnosis and who then makes the
21 diagnosis that a child is affected with autism spectrum disorder shall
22 report such diagnosis to the office in a form and manner prescribed by
23 the commissioner for the county or counties designated by the commis-
24 sioner.

25 § 17.03 Autism spectrum disorders clinical workgroup.

26 (a) The office shall establish a clinical workgroup comprised of
27 professionals from the office, its research institute and clinicians
28 with expertise on autism spectrum disorders to establish best practice
29 guidelines with regard to assessment and diagnosis of autism spectrum
30 disorders.

31 (b) Such clinical workgroup shall utilize the results of the autism
32 spectrum prevalence study to plan for and provide services to children
33 with autism spectrum disorders and their families.

34 § 3. This act shall take effect on the one hundred twentieth day after
35 it shall have become a law. Provided that the commissioner of mental
36 retardation and developmental disabilities is authorized to promulgate
37 any and all rules and regulations and take any other measures necessary
38 to implement this act on its effective date on or before such date.
