

5802--A

2013-2014 Regular Sessions

I N S E N A T E

June 15, 2013

Introduced by Sens. GRIFFO, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Mental Health and Developmental Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to establishing the diagnostic and statistical manual of mental disorders (DSM-5) implementation council; and providing for the repeal of such provisions upon expiration thereof

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 early,
2 continuous and appropriate treatment facilitates the best possible
3 outcome for children diagnosed with autism spectrum disorder (ASD). The
4 legislature further finds that while periodic reformation of diagnostic
5 criteria is vital to ensure quality care, the legislature and state must
6 be able to respond accordingly if such changes may impact individuals
7 currently receiving treatment. Therefore, the legislature finds it
8 appropriate to establish a council consisting of stakeholders, including
9 parents and physicians, to advise the state and legislature on the
10 implementation and impact of the transition from the fourth edition of
11 the Diagnostic and Statistical Manual of Mental Disorders to the criteria
12 implemented by the fifth edition to ensure that individuals who
13 qualify under DSM-IV will continue to qualify under DSM-5. The legislature
14 further finds that until such time that the state understands the
15 impacts it is important to ensure the continued benefits and state
16 services for individuals with a diagnosis.
17 S 2. The mental hygiene law is amended by adding a new section 16.38
18 to read as follows:

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

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1 S 16.38 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-5)
2 IMPLEMENTATION COUNCIL.

3 1.(A) THE OFFICE SHALL ESTABLISH A DIAGNOSTIC AND STATISTICAL MANUAL
4 OF MENTAL DISORDERS (DSM-5) IMPLEMENTATION COUNCIL.

5 (B) THE COUNCIL SHALL CONSIST OF NINETEEN MEMBERS, APPOINTED BY THE
6 GOVERNOR. SIX SHALL BE PARENTS OR GUARDIANS, THREE OF WHOM WHO SHALL
7 HAVE CHILDREN DIAGNOSED WITH A PERVASIVE DEVELOPMENTAL DISORDER (PDD)
8 UNDER THE FOURTH EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF
9 MENTAL DISORDERS (DSM-IV), AND THREE OF WHOM WHO SHALL HAVE CHILDREN
10 DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER (ASD) OR SOCIAL COMMUNICATION
11 DISORDER (SCD) UNDER THE FIFTH EDITION OF THE DIAGNOSTIC AND STATISTICAL
12 MANUAL OF MENTAL DISORDERS (DSM-5); FIVE SHALL BE REPRESENTATIVES OF
13 PUBLIC OR PRIVATE PROVIDERS OF SERVICES TO INDIVIDUALS WITH ASDS, AT
14 LEAST ONE OF WHOM SHALL BE A PSYCHIATRIST LICENSED TO PRACTICE IN THE
15 STATE, AT LEAST ONE OF WHOM SHALL BE A REPRESENTATIVE OF A CENTER FOR
16 AUTISM AND RELATED DISABILITIES LOCATED WITHIN THE STATE, AND AT LEAST
17 ONE OF WHOM SHALL BE ASSOCIATED WITH A SCHOOL DISTRICT OR A BOARD OF
18 COOPERATIVE EDUCATIONAL SERVICES; TWO SHALL BE REPRESENTATIVES OF ORGAN-
19 IZATIONS THAT ADVOCATE FOR INDIVIDUALS WITH ASDS; TWO SHALL BE REPRESENT-
20 TATIVES OF AUTHORIZED INSURERS ISSUING POLICIES PURSUANT TO ARTICLE
21 THIRTY-TWO OR FORTY-THREE OF THE INSURANCE LAW; AND FOUR SHALL BE THE
22 COMMISSIONER, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH,
23 AND THE SUPERINTENDENT OF FINANCIAL SERVICES, OR THEIR APPROPRIATE
24 DESIGNEES WITH SUFFICIENT AUTHORITY TO ENGAGE IN POLICY PLANNING AND
25 IMPLEMENTATION ON BEHALF OF THEIR AGENCIES.

26 (C) THE GOVERNOR SHALL APPOINT THE MEMBERS. SIX SHALL BE APPOINTED ON
27 THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND SIX
28 SHALL BE APPOINTED ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY,
29 EACH OF WHOM SHALL RECOMMEND THREE MEMBERS AS FOLLOWS: ONE PARENT OF A
30 CHILD WITH A PDD UNDER DSM-IV, ONE PARENT OF A CHILD WITH AN ASD OR SCD
31 UNDER DSM-5; ONE REPRESENTATIVE OF PUBLIC OR PRIVATE PROVIDERS OF
32 SERVICES TO INDIVIDUALS WITH ASDS.

33 (D) VACANCIES IN THE COUNCIL SHALL BE FILLED IN THE SAME MANNER AS
34 ORIGINAL APPOINTMENTS.

35 2. DUTIES OF THE COUNCIL SHALL INCLUDE, BUT NOT BE LIMITED TO:

36 (A) GATHERING STAKEHOLDER INPUT REGARDING THE IMPLEMENTATION OF DSM-5
37 CRITERIA, AND PROPOSED REGULATORY OR STATUTORY AMENDMENTS RELATING TO
38 THE TRANSITION FROM DSM-IV.

39 (B) ASSISTING THE OFFICE, THE STATE EDUCATION DEPARTMENT, THE DEPART-
40 MENT OF HEALTH AND THE DEPARTMENT OF FINANCIAL SERVICES IN PROMULGATING
41 REGULATIONS AND GUIDANCE TO ENSURE THOSE WITH PDD DIAGNOSES UNDER DSM-IV
42 RECEIVE THE SAME LEGAL ENTITLEMENTS AS THOSE WITH ASD AND SCD DIAGNOSES
43 UNDER DSM-5.

44 (C) MONITORING STUDIES EVALUATING THE NEW DIAGNOSTIC CRITERIA; AS WELL
45 AS ANY AMENDMENTS TO, OR GUIDANCE RELATING TO, DSM-5.

46 (D) PROVIDING RECOMMENDATIONS FOR STATUTORY AMENDMENTS RELATING TO THE
47 TRANSITION TO DSM-5 FROM DSM-IV TO ENSURE THAT INDIVIDUALS WHO WOULD
48 QUALIFY FOR BENEFITS AND STATE SERVICES UNDER DSM-IV WOULD CONTINUE TO
49 QUALIFY UNDER DMS-5.

50 (E) PREPARE AND SUBMIT AN ANNUAL REPORT, THE FIRST OF WHICH SHALL BE
51 SUBMITTED NO LATER THAN OCTOBER FIRST, TWO THOUSAND FIFTEEN, TO THE
52 GOVERNOR AND LEGISLATURE ON THE STATUS OF THE TRANSITION TO DSM-5 FROM
53 DSM-IV.

54 3. THE COUNCIL SHALL MEET AT LEAST TWO TIMES A YEAR. SPECIAL MEETINGS
55 MAY BE CALLED AT THE REQUEST OF THE COMMISSIONER.

1 4. THE MEMBERS OF THE COUNCIL SHALL BE ALLOWED THEIR REASONABLE AND
2 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HERE-
3 UNDER.
4 S 3. This act shall take effect immediately and shall expire and be
5 deemed repealed three years after the effective date of this act.