

5801

2013-2014 Regular Sessions

I N   S E N A T E

June 15, 2013

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Introduced by Sens. CARLUCCI, GRIFFO -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

AN ACT to define the term "autism" for the purposes of the education law  
and the mental hygiene law and the term "autism spectrum disorder" for  
the purposes of the insurance law and providing for the repeal of such  
provisions upon expiration thereof

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

1     Section 1. Legislative Intent. The legislature hereby finds that,  
2     according to Centers for Disease Control and Prevention, as many as one  
3     in 50 children may have an autism spectrum disorder (ASD). The legisla-  
4     ture further finds that early, continuous and appropriate treatment  
5     facilitates the best possible outcome for children diagnosed with ASDs.  
6     The legislature further finds that, while the periodic reformulation of  
7     diagnostic criteria is vital to ensuring the provision of effective  
8     care, the State must respond accordingly to guarantee that such changes  
9     do not impact the eligibility of individuals currently receiving treat-  
10    ment under the law. Therefore, the legislature finds it appropriate to  
11    enact measures preserving the existing rights and entitlements of those  
12    diagnosed with pervasive developmental disorders using the fourth  
13    edition text revision of the Diagnostic and Statistical Manual of Mental  
14    Disorders (DSM-IV TR) as the medical community transitions to criteria  
15    implemented by the fifth edition (DSM-5). The legislature finds that in  
16    addition to ensuring continued benefits and state services it is impor-  
17    tant to convene a council to study the transition from (DSM-IV TR) to  
18    the criteria implemented by the fifth edition to ensure that individuals  
19    who qualify under (DSM-IV TR) will continue to qualify under DSM-5.  
20    S 2. Notwithstanding any law to the contrary, "autism," for the  
21    purposes of the education law and the mental hygiene law, and "autism  
22    spectrum disorder," for the purposes of the insurance law, shall mean  
23    either: (1) an autistic disorder, Asperger's disorder, Rett's disorder,

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

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1 childhood disintegrative disorder, or pervasive developmental disorder  
2 not otherwise specified (PDD-NOS), as diagnosed using the fourth edition  
3 text revision of the Diagnostic and Statistical Manual of Mental Disor-  
4 ders (DSM-IV TR); or (2) an autism spectrum disorder diagnosed using the  
5 most recent edition of the Diagnostic and Statistical Manual of Mental  
6 Disorders.

7 S 3. This act shall take effect immediately and shall expire and be  
8 deemed repealed two years after such effective date.