

# STATE OF NEW YORK

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103

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. GUNTHER, GOTTFRIED, ABBATE, J. RIVERA, COLTON, ABINANTI, SANTABARBARA, MONTESANO, WALSH, ASHBY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the development of comprehensive autism assessment centers

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

1 Section 1. Subdivision 1 of section 2801 of the public health law, as  
2 amended by section 1 of part Z of chapter 57 of the laws of 2019, is  
3 amended to read as follows:

4 1. "Hospital" means a facility or institution engaged principally in  
5 providing services by or under the supervision of a physician or, in the  
6 case of a dental clinic or dental dispensary, of a dentist, or, in the  
7 case of a midwifery birth center, of a midwife, for the prevention,  
8 diagnosis or treatment of human disease, pain, injury, deformity or  
9 physical condition, including, but not limited to, a general hospital,  
10 public health center, diagnostic center, treatment center, dental clinic,  
11 dental dispensary, rehabilitation center other than a facility used  
12 solely for vocational rehabilitation, nursing home, tuberculosis hospital,  
13 chronic disease hospital, maternity hospital, midwifery birth  
14 center, lying-in-asylum, out-patient department, out-patient lodge,  
15 dispensary and a laboratory or central service facility serving one or  
16 more such institutions, a comprehensive autism assessment center, but  
17 the term hospital shall not include an institution, sanitarium or other  
18 facility engaged principally in providing services for the prevention,  
19 diagnosis or treatment of mental disability and which is subject to the  
20 powers of visitation, examination, inspection and investigation of the  
21 department of mental hygiene except for those distinct parts of such a  
22 facility which provide hospital service. The provisions of this article  
23 shall not apply to a facility or institution engaged principally in

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

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1 providing services by or under the supervision of the bona fide members  
2 and adherents of a recognized religious organization whose teachings  
3 include reliance on spiritual means through prayer alone for healing in  
4 the practice of the religion of such organization and where services are  
5 provided in accordance with those teachings. No provision of this arti-  
6 cle or any other provision of law shall be construed to: (a) limit the  
7 volume of mental health, substance use disorder services or develop-  
8 mental disability services that can be provided by a provider of primary  
9 care services licensed under this article and authorized to provide  
10 integrated services in accordance with regulations issued by the commis-  
11 sioner in consultation with the commissioner of the office of mental  
12 health, the commissioner of the office of alcoholism and substance abuse  
13 services and the commissioner of the office for people with develop-  
14 mental disabilities, including regulations issued pursuant to subdivi-  
15 sion seven of section three hundred sixty-five-1 of the social services  
16 law or part L of chapter fifty-six of the laws of two thousand twelve;  
17 (b) require a provider licensed pursuant to article thirty-one of the  
18 mental hygiene law or certified pursuant to article sixteen or article  
19 thirty-two of the mental hygiene law to obtain an operating certificate  
20 from the department if such provider has been authorized to provide  
21 integrated services in accordance with regulations issued by the commis-  
22 sioner in consultation with the commissioner of the office of mental  
23 health, the commissioner of the office of alcoholism and substance abuse  
24 services and the commissioner of the office for people with develop-  
25 mental disabilities, including regulations issued pursuant to subdivi-  
26 sion seven of section three hundred sixty-five-1 of the social services  
27 law or part L of chapter fifty-six of the laws of two thousand twelve.

28 § 2. Section 2801 of the public health law is amended by adding a new  
29 subdivision 12 to read as follows:

30 12. "Comprehensive autism assessment center" means a comprehensive  
31 autism assessment center under section twenty-eight hundred twenty-eight  
32 of this article.

33 § 3. The public health law is amended by adding a new section 2828 to  
34 read as follows:

35 § 2828. Comprehensive autism assessment centers. 1. Definitions. For  
36 the purposes of this section, unless the context clearly requires other-  
37 wise:

38 (a) "Autism spectrum disorder" means any of a group of neurodevelop-  
39 mental disorders including: autism; pervasive developmental disorder -  
40 not otherwise specified (PDD-NOS); Rett's syndrome; Asperger's disorder;  
41 and childhood disintegrative disorder. Autism spectrum disorders may  
42 include characteristics such as language disturbance, social disturb-  
43 ance, and restrictive and repetitive patterns of play with a rigid  
44 adherence to sameness. Additional co-occurring impairments in those  
45 severely affected may include sensory problems such as auditory hyper-  
46 sensitivity, temperature regulation issues, seizure disorders, abnormal  
47 pain threshold, gastrointestinal problems, and psychiatric conditions  
48 such as obsessive compulsive disorder, depression and anxiety.

49 (b) "Comprehensive autism assessment center" or "center" means a  
50 center designated by the commissioner under this section.

51 2. Comprehensive autism assessment centers established. (a) The  
52 commissioner shall facilitate the development and establishment of, and  
53 designate, four comprehensive centers for the assessment of children  
54 primarily between the ages of five and eighteen diagnosed with autism  
55 spectrum disorders and development of appropriate short-term inter-  
56 ventions and individual treatment plans which are designed to manage and

1 improve functioning. The commissioner shall establish procedures and  
2 criteria for the designation of such centers consistent with this  
3 section.

4 (b) The centers shall utilize an array of disciplines which may  
5 include but not be limited to: physical, medical and psychiatric; neuro-  
6 behavioral; nutrition; gastroenterology; motor and fitness; sleep analy-  
7 sis; communication and social; and psycho-educational. Services provided  
8 by the centers may include but not be limited to the following compo-  
9 nents:

10 (i) Intensive assessment services, including integrated, interdis-  
11 ciplinary analysis of a resident's functional characteristics and disabil-  
12 ities. Utilizing a comprehensive framework such as international classi-  
13 fication of functioning disability and health-children and youth  
14 (ICF-CY)(World Health Organization 2007), centers shall comprehensively  
15 assess the range of functioning and development of children with autism  
16 spectrum disorders including but not limited to: communication; sociali-  
17 zation; general, behavioral, neurological, psychiatric, body and medical  
18 functioning; child-environmental interactions; activity limitations; and  
19 participation restrictions.

20 (ii) Development of appropriate short-term interventions and individ-  
21 ual treatment plans which are designed to manage and improve functioning  
22 for the children assessed by the center.

23 (iii) Residential services that provide short-term residential support  
24 for children admitted to the center who require a short stay for the  
25 period in which the assessment is conducted. These services are intended  
26 to provide support for the assessment activities and are not to be long-  
27 term nor are they to be provided in a general hospital or nursing home  
28 as defined in this article nor in the capacity of permanent housing.

29 (iv) Educational services approved by the state education department.  
30 Such education services provided shall be consistent with the child's  
31 home school district's curriculum and the educational needs of the  
32 child, and appropriate to the child's short-term stay in the center. The  
33 center shall consult with the child's home school district to develop an  
34 appropriate educational plan.

35 (v) Medical clinical services. Each center shall have the capacity  
36 on-site or readily accessible to provide for the resident's medical and  
37 clinical needs. These services shall be available to provide medical  
38 services to address general, chronic and ongoing medical conditions.

39 3. Grants for development of comprehensive autism assessment centers.  
40 Within amounts appropriated, the commissioner shall provide funding,  
41 pursuant to a request for proposals, to aid in the development of  
42 comprehensive autism assessment centers.

43 4. Reporting/research requirements. (a) Each recipient of funding  
44 pursuant to this section shall provide the following information and  
45 such other information as the department may reasonably require with  
46 respect to the center to the department, annually as required by the  
47 department:

48 (i) The annual number of children receiving services pursuant to this  
49 section;

50 (ii) The average length of stay of those children who receive services  
51 at the center; and

52 (iii) The type of programs and interventions that children received.

53 (b) The department shall annually compile such reports on the centers'  
54 activities and findings and annually report on the centers to the gover-  
55 nor and legislature.

1     (c) The commissioner shall assist in and encourage the development of  
2     research collaborations between the centers and relevant state agency  
3     facilities, colleges and universities and, where appropriate, private  
4     research entities.

5     § 4. This act shall take effect immediately.