S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. The public health law is amended by adding a new section 2822 to read as follows:

S 2822. AUTISM ASSESSMENT CENTERS. 1. THE LEGISLATURE FINDS THAT THE DRAMATIC INCREASE IN THE PREVALENCE OF INDIVIDUALS IDENTIFIED WITH AUTISM SPECTRUM DISORDERS (ASP) AND OTHER COMPLEX DEVELOPMENTAL DISABILITIES REPRESENTS A SIGNIFICANT CHALLENGE IN ENSURING THE PROPER ASSESSMENT AND DEVELOPMENT OF APPROPRIATE INDIVIDUALIZED INTERVENTIONS FOR CHILDREN WITH SEVERE MANIFESTATIONS OF ASD. THE SEVERE, PERVASIVE NATURE OF THESE DISABILITIES IS MANIFESTED NOT ONLY IN DEVELOPMENTAL AND BEHAVIORAL PROBLEMS, BUT IN THE MORE SEVERE CASES, PHYSICAL SYMPTOMS AS WELL. PRESENTING CHARACTERISTICS OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS AND COMPLEX DISABILITIES INCLUDE SOCIAL AND COGNITIVE IMPAIRMENT; LANGUAGE DISTURBANCES; PROBLEMS WITH ATTENTION AND SELF-REGULATION; REPETITIVE, STEREOTYPED, AGGRESSIVE, SELF-INJURIOUS BEHAVIORS; AND, OFTEN COMPLEX AND SEVERE CASES CO-OCCURRING WITH MEDICAL CONDITIONS SUCH AS SEIZURE AND SLEEP DISORDERS; AND, PSYCHIATRIC AND HEALTH CONDITIONS SUCH AS FRAGILE X SYNDROME AND TUBEROUS SCLEROSIS.

FOR THESE REASONS, THE LEGISLATURE DECLARES THAT THE ESTABLISHMENT OF NEW SHORT-TERM BEHAVIORAL AND ASSESSMENT INTERVENTION UNITS TO PROVIDE FOR THE ASSESSMENT AND INTERVENTION FOR CHILDREN WITH SEVERE FORMS OF ASD IS NECESSARY. THE ACCURATE ASSESSMENT OF INDIVIDUALS WITH ASD IS THE FIRST STEP IN DEVELOPING APPROPRIATE PROGRAMS FOR THESE CHILDREN AND

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

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PROVIDING NECESSARY SUPPORTS TO THEIR FAMILIES, AND SCHOOL DISTRICTS, THEREFORE, THE STATE MUST TAKE IMMEDIATE ACTION TO SUPPORT THE DEVELOPMENT OF AN INTEGRATED, INTERDISCIPLINARY APPROACH FOR THE ASSESSMENT OF CHILDREN'S FUNCTIONAL CHARACTERISTICS AND EFFECTIVE TREATMENT PROTOCOLS TO RESPOND TO THE VARIED NEEDS OF THOSE AFFECTED.

2. DEFINITIONS. (A) FOR THE PURPOSES OF THIS SECTION "AUTISM SPECTRUM DISORDER" MEANS ANY OF A GROUP OF NEURODEVELOPMENTAL DISORDERS INCLUDING: AUTISM; PERVASIVE DEVELOPMENTAL DISORDER - NOT OTHERWISE SPECIFIED (PDD-NOS); RETT'S SYNDROME; ASPERGER'S DISORDER; AND CHILDHOOD DISINTEGRATIVE DISORDER. AUTISM IS CHARACTERIZED BY A TRIAD OF ISSUES SUCH AS LANGUAGE AND SOCIAL DISTURBANCE, AND RESTRICTIVE AND REPETITIVE PATTERNS OF PLAY WITH A RIGID ADHERENCE TO SAMENESS. ADDITIONAL CO-OCCURRING IMPAIRMENTS IN THOSE SEVERELY AFFECTED MAY INCLUDE SENSORY PROBLEMS SUCH AS AUDITORY HYPERSENSITIVITY, TEMPERATURE REGULATION ISSUES, SEIZURE DISORDERS, ABNORMAL PAIN THRESHOLD, GASTROINTESTINAL PROBLEMS, AND PSYCHIATRIC CONDITIONS SUCH AS OBSESSIVE COMPULSIVE DISORDER, DEPRESSION AND ANXIETY.

(B) "COMPREHENSIVE AUTISM ASSESSMENT CENTER" OR "CENTER" MEANS A CENTER DESIGNATED BY THE COMMISSIONER.

3. COMPREHENSIVE AUTISM ASSESSMENT CENTERS ESTABLISHED. THE COMMISSIONER SHALL FACILITATE THE DEVELOPMENT AND ESTABLISHMENT OF, AND DESIGNATE, COMPREHENSIVE CENTERS FOR CHILDREN DIAGNOSED WITH AUTISM SPECTRUM DISORDERS. THE COMMISSIONER SHALL ESTABLISH PROCEDURES AND CRITERIA FOR THE DESIGNATION OF SUCH CENTERS CONSISTENT WITH THIS SECTION. THE CENTERS SHALL BE DESIGNED TO PROVIDE CHILDREN PRIMARILY BETWEEN THE AGES OF FIVE AND EIGHTEEN YEARS WITH AN INTENSIVE, INTEGRATED ASSESSMENT IN THE AREAS OF COMMUNICATION, SOCIALIZATION, GENERAL FUNCTIONING, BEHAVIORAL, NEUROLOGICAL, PSYCHIATRIC AND MEDICAL FUNCTIONING. THE CENTERS SHALL UTILIZE AN ARRAY OF DISCIPLINES WHICH MAY INCLUDE BUT NOT BE LIMITED TO: PHYSICAL, MEDICAL, AND PSYCHIATRIC; NEUROBEHAVIORAL, NUTRITION; GASTROENTEROLOGY; MOTOR AND FITNESS; SLEEP ANALYSIS; COMMUNICATION AND SOCIAL; AND PSYCHO-EDUCATIONAL TO ASSESS THE NEEDS OF THESE CHILDREN AND TO DEVELOP APPROPRIATE SHORT-TERM INTERVENTIONS AND INDIVIDUAL TREATMENT PLANS WHICH ARE DESIGNED TO MANAGE AND IMPROVE FUNCTIONING. SERVICES PROVIDED BY THE AUTISM ASSESSMENT CENTERS SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING COMPONENTS:

(A) INTENSIVE ASSESSMENT SERVICES, INCLUDING INTEGRATED, INTERDISCIPLINARY ANALYSIS OF A RESIDENT'S FUNCTIONAL CHARACTERISTICS AND DISABILITIES. UTILIZING A COMPREHENSIVE FRAMEWORK SUCH AS THE INTERNATIONAL CLASSIFICATION OF FUNCTIONING DISABILITY AND HEALTH - CHILDREN AND YOUTH (ICF-CY) (WORLD HEALTH ORGANIZATION 2007), CENTERS SHALL COMPREHENSIVELY ASSESS THE RANGE OF FUNCTIONING AND DEVELOPMENT OF CHILDREN WITH AUTISM INCLUDING BUT NOT LIMITED TO CHILD-ENVIRONMENTAL INTERACTIONS, BODY FUNCTIONING, ACTIVITY LIMITATIONS AND PARTICIPATION RESTRICTIONS.

(B) RESIDENTIAL SERVICES THAT PROVIDE SHORT-TERM RESIDENTIAL SUPPORT FOR CHILDREN ADMITTED TO THE CENTER WHO REQUIRE A SHORT STAY FOR THE PERIOD IN WHICH THE ASSESSMENT IS CONDUCTED. THESE SERVICES ARE INTENDED TO PROVIDE SUPPORT FOR THE ASSESSMENT ACTIVITIES AND ARE NOT INTENDED TO BE LONG-TERM NOR ARE THEY INTENDED TO BE PROVIDED IN A HOSPITAL OR NURSING HOME AS DEFINED IN THIS ARTICLE OR IN THE CAPACITY OF PERMANENT HOUSING.

(C) A CENTER ESTABLISHED BY THIS SECTION SHALL PROVIDE EDUCATIONAL SERVICES APPROVED BY THE STATE EDUCATION DEPARTMENT. SUCH EDUCATION SERVICES PROVIDED SHALL BE ACADEMIC PROGRAMMING CONSISTENT WITH THE CHILD'S HOME SCHOOL DISTRICT'S CURRICULUM AND THE PARTICULAR EDUCATIONAL

NEEDS OF THE CHILD. THE CENTER SHALL CONSULT WITH THE CHILD'S HOME SCHOOL DISTRICT TO DEVELOP AN APPROPRIATE EDUCATIONAL PLAN.

(D) MEDICAL CLINICAL SERVICES. EACH CENTER SHALL HAVE THE CAPACITY ON-SITE OR READILY ACCESSIBLE TO PROVIDE FOR THE RESIDENT'S MEDICAL AND CLINICAL NEEDS. THESE SERVICES SHALL BE AVAILABLE TO PROVIDE MEDICAL SERVICES TO ADDRESS GENERAL, CHRONIC, AND ONGOING MEDICAL CONDITIONS. MEDICAL AND CLINICAL SERVICES AVAILABLE AT THE CENTER SHALL ALSO BE UTILIZED IN THE ASSESSMENT OF THE CHILD'S CONDITION AND DEVELOPMENT OF AN INTERVENTION AND/OR TREATMENT PLAN.

4. GRANTS FOR DEVELOPMENT OF COMPREHENSIVE AUTISM ASSESSMENT CENTERS. WITHIN AMOUNTS APPROPRIATED, THE COMMISSIONER SHALL PROVIDE FUNDING FOR, PURSUANT TO A REQUEST FOR PROPOSALS, COMPREHENSIVE AUTISM ASSESSMENT CENTERS AS ESTABLISHED IN THIS SECTION.

5. REPORTING/RESEARCH REQUIREMENTS. (A) EACH RECIPIENT OF FUNDING PURSUANT TO THIS ARTICLE SHALL PROVIDE THE FOLLOWING INFORMATION TO THE DEPARTMENT:

(I) THE ANNUAL NUMBER OF CHILDREN RECEIVING SERVICES PURSUANT TO THIS SECTION;

(II) THE AVERAGE LENGTH OF STAY OF THOSE CHILDREN WHO RECEIVE SERVICES AT SUCH CENTERS;

(III) THE TYPE OF PROGRAMS AND INTERVENTIONS THAT CHILDREN RECEIVED;

(IV) A SUMMARY OF BOTH THE SHORT AND LONG-TERM OUTCOMES FOR THOSE CHILDREN SERVED;

(V) THE PERCENTAGE OF CHILDREN SERVED WHO AVOIDED LONG-TERM RESIDENTIAL PLACEMENT; AND

(VI) THE ESTIMATED SAVINGS TO THE STATE THAT RESULTED FROM THIS OUTCOME.

(B) THE DEPARTMENT SHALL COMPILE SUCH REPORTS ON THE CENTERS' ACTIVITIES AND FINDINGS AND REPORT TO THE GOVERNOR AND LEGISLATURE ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO THOUSAND TEN AND EACH YEAR THEREAFTER.

(C) THE COMMISSIONER SHALL ASSIST IN AND ENCOURAGE THE DEVELOPMENT OF RESEARCH COLLABORATIONS BETWEEN THE CENTERS AND RELEVANT STATE AGENCY FACILITIES, COLLEGES AND UNIVERSITIES AND, WHERE APPROPRIATE, PRIVATE RESEARCH ENTITIES. SUCH COLLABORATIONS SHALL INCLUDE BUT NOT BE LIMITED TO EXAMINATION OF THE PREVALENCE OF AUTISM SPECTRUM DISORDER DIAGNOSES, THE IMPACT OF ENVIRONMENTAL FACTORS ON THE DEVELOPMENT OF AUTISM, THE INFLUENCE OF NUTRITION AND GASTROINTESTINAL HEALTH ON AUTISM AND, THE EFFICACY OF CERTAIN ASSESSMENT TOOLS AND APPROACHES IN THE DEVELOPMENT OF EFFECTIVE INTERVENTIONS.

S 2. This act shall take effect immediately.