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

369

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to autism spectrum disorder reporting

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

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

S 2. The public health law is amended by adding a new article 24-F to read as follows:

ARTICLE 24-F

AUTISM SPECTRUM DISORDER REPORTING

SECTION 2499-B. AUTISM SPECTRUM DISORDER; DUTY TO REPORT.

2499-C. REGISTRY AND REPORTING REQUIREMENTS.

S 2499-B. AUTISM SPECTRUM DISORDER; DUTY TO REPORT. 1. EVERY PHYSICIAN OR PSYCHOLOGIST LICENSED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THE EDUCATION LAW, AND ANY OTHER HEALTH CARE PROFESSIONAL LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHO IS QUALIFIED BY TRAINING TO MAKE THE DIAGNOSIS AND WHO THEN MAKES THE DIAGNOSIS THAT A CHILD

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

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IS AFFECTED WITH AUTISM SPECTRUM DISORDER SHALL REPORT SUCH DIAGNOSIS TO THE DEPARTMENT IN A FORM AND MANNER PRESCRIBED BY THE COMMISSIONER.

2. SUCH REPORT SHALL BE MADE IN WRITING AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME AND ADDRESS OF THE PERSON SUBMITTING THE REPORT, THE NAME, AGE AND ADDRESS OF THE CHILD DIAGNOSED WITH AUTISM SPECTRUM DISORDER, AND ANY OTHER PERTINENT INFORMATION AS MAY BE REQUIRED BY THE COMMISSIONER, EXCEPT THAT IF THE CHILD'S PARENT OR GUARDIAN OBJECTS TO THE REPORTING OF THE CHILD'S DIAGNOSIS FOR ANY REASON, THE REPORT SHALL NOT INCLUDE ANY INFORMATION THAT COULD BE USED TO IDENTIFY THE CHILD.

3. THE COMMISSIONER SHALL SPECIFY PROCEDURES FOR HEALTH CARE PROFESSIONALS TO INFORM CHILDREN'S PARENTS AND GUARDIANS OF THE REQUIREMENTS OF THIS SECTION, THE PURPOSE OF INCLUDING THIS INFORMATION IN A REGISTRY, AND THE OPTION TO REFUSE TO PERMIT THE REPORTING OF ANY INFORMATION THAT COULD BE USED TO IDENTIFY A CHILD.

S 2499-C. REGISTRY AND REPORTING REQUIREMENTS. 1. THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, SHALL ESTABLISH AND MAINTAIN AN UP-TO-DATE REGISTRY WHICH SHALL INCLUDE A RECORD OF ALL REPORTED CASES OF AUTISM SPECTRUM DISORDER THAT OCCUR IN THE STATE AND ANY OTHER INFORMATION IT DEEMS RELEVANT AND APPROPRIATE IN ORDER TO CONDUCT THOROUGH AND COMPLETE EPIDEMIOLOGIC SURVEYS OF AUTISM SPECTRUM DISORDERS, TO ENABLE ANALYSIS OF THIS PROBLEM, AND TO PLAN FOR AND PROVIDE SERVICES TO CHILDREN WITH AUTISM SPECTRUM DISORDERS AND THEIR FAMILIES.

2. THE REPORTS MADE PURSUANT TO THIS ARTICLE ARE TO BE USED ONLY BY THE DEPARTMENT AND OTHER AGENCIES AS MAY BE DESIGNATED BY THE COMMISSIONER, INCLUDING THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND THE EDUCATION DEPARTMENT, AND SHALL NOT OTHERWISE BE DIVULGED OR MADE PUBLIC SO AS TO DISCLOSE THE IDENTITY OF THE PERSON TO WHOM THEY RELATE. A PHYSICIAN, PSYCHOLOGIST OR OTHER HEALTH CARE PROFESSIONAL PROVIDING INFORMATION TO THE DEPARTMENT PURSUANT TO THIS ARTICLE SHALL NOT BE DEEMED TO BE OR HELD LIABLE FOR DIVULGING CONFIDENTIAL INFORMATION.

3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO COMPEL A CHILD WHO HAS BEEN REPORTED AS AFFECTED WITH AN AUTISM SPECTRUM DISORDER TO SUBMIT TO A MEDICAL OR HEALTH EXAMINATION, OR SUPERVISION BY THE DEPARTMENT.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Provided that the commissioner of health is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such date.