

6201

2009-2010 Regular Sessions

I N S E N A T E

October 2, 2009

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

AN ACT to amend the public health law and the mental hygiene law, in
relation to directing the commissioner of health and the commissioner
of mental retardation and developmental disabilities to promulgate
rules and regulations requiring every child beginning at the age of
eighteen months to be examined for autism spectrum disorders; and to
repeal section 2500-j of the public health law relating to screening
children for autism spectrum disorders

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

1 Section 1. Section 2500-j of the public health law is REPEALED.
2 S 2. The public health law is amended by adding a new section 2500-k
3 to read as follows:
4 S 2500-K. PEDIATRIC WELLNESS VISITS; SCREENING FOR AUTISM SPECTRUM
5 DISORDERS. 1. THE COMMISSIONER SHALL, JOINTLY WITH THE COMMISSIONER OF
6 MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, AND ON OR BEFORE MAY
7 FIRST, TWO THOUSAND TEN, PROMULGATE RULES AND REGULATIONS REQUIRING
8 EVERY PEDIATRIC PRIMARY CARE PROVIDER, CONDUCTING A WELLNESS AND PREVEN-
9 TATIVE CARE EXAMINATION, ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND TEN,
10 OF A CHILD EIGHTEEN MONTHS OF AGE OR OLDER, TO SCREEN SUCH CHILD FOR
11 AUTISM SPECTRUM DISORDERS.
12 2. IN ADDITION, SUCH RULES AND REGULATIONS SHALL ESTABLISH GUIDELINES
13 AND PROTOCOLS FOR:
14 (A) THE BEST PRACTICES FOR THE SCREENING FOR AND DIAGNOSIS OF AUTISM
15 SPECTRUM DISORDERS;
16 (B) THE EMPLOYMENT OF OBJECTIVE AUTISM SPECTRUM DISORDER TOOLS; AND
17 (C) THE APPROPRIATE REFERRAL MECHANISM FOR CHILDREN, WHO BASED UPON
18 THE RESULTS OF SCREENING FOR AUTISM SPECTRUM DISORDERS, REQUIRE FURTHER
19 EVALUATION.

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

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1 3. IF THE COMMISSIONER AND THE COMMISSIONER OF MENTAL RETARDATION AND
2 DEVELOPMENTAL DISABILITIES SHALL FAIL TO PROMULGATE, ON OR BEFORE MAY
3 FIRST, TWO THOUSAND TEN, THE RULES AND REGULATIONS REQUIRED BY SUBDIVI-
4 SIONS ONE AND TWO OF THIS SECTION, THE DEPARTMENT SHALL ADOPT AND IMPE-
5 MENT THE RELEVANT FEDERAL RULES AND REGULATIONS RELATING THERETO.

6 S 3. The mental hygiene law is amended by adding a new section 16.39
7 to read as follows:

8 S 16.39 PEDIATRIC WELLNESS VISITS; SCREENING FOR AUTISM SPECTRUM DISOR-
9 DERS.

10 THE COMMISSIONER SHALL, JOINTLY WITH THE COMMISSIONER OF HEALTH, AND
11 ON OR BEFORE MAY FIRST, TWO THOUSAND TEN, PROMULGATE ANY AND ALL RULES
12 AND REGULATIONS REQUIRED BY SUBDIVISIONS ONE AND TWO OF SECTION TWENTY-
13 FIVE HUNDRED-K OF THE PUBLIC HEALTH LAW RELATING TO THE SCREENING OF
14 CHILDREN FOR AUTISM SPECTRUM DISORDERS.

15 S 4. This act shall take effect immediately, except that section one
16 of this act shall take effect September 1, 2010.