

413

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. GUNTHER, GOTTFRIED, SPANO -- 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     separately amended by chapters 297 and 416 of the laws of 1983, 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, for the  
7     prevention, diagnosis or treatment of human disease, pain, injury,  
8     deformity or physical condition, including, but not limited to, a gener-  
9     al hospital, public health center, diagnostic center, treatment center,  
10    dental clinic, dental dispensary, rehabilitation center other than a  
11    facility used solely for vocational rehabilitation, nursing home, tuber-  
12    culosis hospital, chronic disease hospital, maternity hospital, lying-  
13    in-asylum, out-patient department, out-patient lodge, dispensary and a  
14    laboratory or central service facility serving one or more such insti-  
15    tutions, A COMPREHENSIVE AUTISM ASSESSMENT CENTER, but the term hospital  
16    shall not include an institution, sanitarium or other facility engaged  
17    principally in providing services for the prevention, diagnosis or  
18    treatment of mental disability and which is subject to the powers of  
19    visitation, examination, inspection and investigation of the department  
20    of mental hygiene except for those distinct parts of such a facility  
21    which provide hospital service. The provisions of this article shall not  
22    apply to a facility or institution engaged principally in providing  
23    services by or under the supervision of the bona fide members and adher-  
24    ents of a recognized religious organization whose teachings include

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

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1 reliance on spiritual means through prayer alone for healing in the  
2 practice of the religion of such organization and where services are  
3 provided in accordance with those teachings.

4 S 2. Section 2801 of the public health law is amended by adding a new  
5 subdivision 11 to read as follows:

6 11. "COMPREHENSIVE AUTISM ASSESSMENT CENTER" MEANS A COMPREHENSIVE  
7 AUTISM ASSESSMENT CENTER UNDER SECTION TWENTY-EIGHT HUNDRED TWENTY-THREE  
8 OF THIS ARTICLE.

9 S 3. The public health law is amended by adding a new section 2823 to  
10 read as follows:

11 S 2823. COMPREHENSIVE AUTISM ASSESSMENT CENTERS. 1. DEFINITIONS. FOR  
12 THE PURPOSES OF THIS SECTION, UNLESS THE CONTEXT CLEARLY REQUIRES OTHER-  
13 WISE:

14 (A) "AUTISM SPECTRUM DISORDER" MEANS ANY OF A GROUP OF NEURODEVELOP-  
15 MENTAL DISORDERS INCLUDING: AUTISM; PERVASIVE DEVELOPMENTAL DISORDER -  
16 NOT OTHERWISE SPECIFIED (PDD-NOS); RETT'S SYNDROME; ASPERGER'S DISORDER;  
17 AND CHILDHOOD DISINTEGRATIVE DISORDER. AUTISM SPECTRUM DISORDERS MAY  
18 INCLUDE CHARACTERISTICS SUCH AS LANGUAGE DISTURBANCE, SOCIAL DISTURB-  
19 ANCE, AND RESTRICTIVE AND REPETITIVE PATTERNS OF PLAY WITH A RIGID  
20 ADHERENCE TO SAMENESS. ADDITIONAL CO-OCCURRING IMPAIRMENTS IN THOSE  
21 SEVERELY AFFECTED MAY INCLUDE SENSORY PROBLEMS SUCH AS AUDITORY HYPER-  
22 SENSITIVITY, TEMPERATURE REGULATION ISSUES, SEIZURE DISORDERS, ABNORMAL  
23 PAIN THRESHOLD, GASTROINTESTINAL PROBLEMS, AND PSYCHIATRIC CONDITIONS  
24 SUCH AS OBSESSIVE COMPULSIVE DISORDER, DEPRESSION AND ANXIETY.

25 (B) "COMPREHENSIVE AUTISM ASSESSMENT CENTER" OR "CENTER" MEANS A  
26 CENTER DESIGNATED BY THE COMMISSIONER UNDER THIS SECTION.

27 2. COMPREHENSIVE AUTISM ASSESSMENT CENTERS ESTABLISHED. (A) THE  
28 COMMISSIONER SHALL FACILITATE THE DEVELOPMENT AND ESTABLISHMENT OF, AND  
29 DESIGNATE, COMPREHENSIVE CENTERS FOR THE ASSESSMENT OF CHILDREN PRIMARI-  
30 LY BETWEEN THE AGES OF FIVE AND EIGHTEEN DIAGNOSED WITH AUTISM SPECTRUM  
31 DISORDERS AND DEVELOPMENT OF APPROPRIATE SHORT-TERM INTERVENTIONS AND  
32 INDIVIDUAL TREATMENT PLANS WHICH ARE DESIGNED TO MANAGE AND IMPROVE  
33 FUNCTIONING. THE COMMISSIONER SHALL ESTABLISH PROCEDURES AND CRITERIA  
34 FOR THE DESIGNATION OF SUCH CENTERS CONSISTENT WITH THIS SECTION.

35 (B) THE CENTERS SHALL UTILIZE AN ARRAY OF DISCIPLINES WHICH MAY  
36 INCLUDE BUT NOT BE LIMITED TO: PHYSICAL, MEDICAL AND PSYCHIATRIC; NEURO-  
37 BEHAVIORAL; NUTRITION; GASTROENTEROLOGY; MOTOR AND FITNESS; SLEEP ANALY-  
38 SIS; COMMUNICATION AND SOCIAL; AND PSYCHO-EDUCATIONAL. SERVICES PROVIDED  
39 BY THE CENTERS MAY INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING COMPO-  
40 NENTS:

41 (I) INTENSIVE ASSESSMENT SERVICES, INCLUDING INTEGRATED, INTERDISCI-  
42 PLINARY ANALYSIS OF A RESIDENT'S FUNCTIONAL CHARACTERISTICS AND DISABIL-  
43 ITIES. UTILIZING A COMPREHENSIVE FRAMEWORK SUCH AS INTERNATIONAL CLASSI-  
44 FICATION OF FUNCTIONING DISABILITY AND HEALTH-CHILDREN AND YOUTH  
45 (ICF-CY)(WORLD HEALTH ORGANIZATION 2007), CENTERS SHALL COMPREHENSIVELY  
46 ASSESS THE RANGE OF FUNCTIONING AND DEVELOPMENT OF CHILDREN WITH AUTISM  
47 SPECTRUM DISORDERS INCLUDING BUT NOT LIMITED TO: COMMUNICATION; SOCIALI-  
48 ZATION; GENERAL, BEHAVIORAL, NEUROLOGICAL, PSYCHIATRIC, BODY AND MEDICAL  
49 FUNCTIONING; CHILD-ENVIRONMENTAL INTERACTIONS; ACTIVITY LIMITATIONS; AND  
50 PARTICIPATION RESTRICTIONS.

51 (II) DEVELOPMENT OF APPROPRIATE SHORT-TERM INTERVENTIONS AND INDIVID-  
52 UAL TREATMENT PLANS WHICH ARE DESIGNED TO MANAGE AND IMPROVE FUNCTIONING  
53 FOR THE CHILDREN ASSESSED BY THE CENTER.

54 (III) RESIDENTIAL SERVICES THAT PROVIDE SHORT-TERM RESIDENTIAL SUPPORT  
55 FOR CHILDREN ADMITTED TO THE CENTER WHO REQUIRE A SHORT STAY FOR THE  
56 PERIOD IN WHICH THE ASSESSMENT IS CONDUCTED. THESE SERVICES ARE INTENDED

1 TO PROVIDE SUPPORT FOR THE ASSESSMENT ACTIVITIES AND ARE NOT TO BE  
2 LONG-TERM NOR ARE THEY TO BE PROVIDED IN A GENERAL HOSPITAL OR NURSING  
3 HOME AS DEFINED IN THIS ARTICLE NOR IN THE CAPACITY OF PERMANENT HOUS-  
4 ING.

5 (IV) EDUCATIONAL SERVICES APPROVED BY THE STATE EDUCATION DEPARTMENT.  
6 SUCH EDUCATION SERVICES PROVIDED SHALL BE CONSISTENT WITH THE CHILD'S  
7 HOME SCHOOL DISTRICT'S CURRICULUM AND THE EDUCATIONAL NEEDS OF THE  
8 CHILD, AND APPROPRIATE TO THE CHILD'S SHORT-TERM STAY IN THE CENTER. THE  
9 CENTER SHALL CONSULT WITH THE CHILD'S HOME SCHOOL DISTRICT TO DEVELOP AN  
10 APPROPRIATE EDUCATIONAL PLAN.

11 (V) MEDICAL CLINICAL SERVICES. EACH CENTER SHALL HAVE THE CAPACITY  
12 ON-SITE OR READILY ACCESSIBLE TO PROVIDE FOR THE RESIDENT'S MEDICAL AND  
13 CLINICAL NEEDS. THESE SERVICES SHALL BE AVAILABLE TO PROVIDE MEDICAL  
14 SERVICES TO ADDRESS GENERAL, CHRONIC AND ONGOING MEDICAL CONDITIONS.

15 3. GRANTS FOR DEVELOPMENT OF COMPREHENSIVE AUTISM ASSESSMENT CENTERS.  
16 WITHIN AMOUNTS APPROPRIATED, THE COMMISSIONER SHALL PROVIDE FUNDING,  
17 PURSUANT TO A REQUEST FOR PROPOSALS, TO AID IN THE DEVELOPMENT OF  
18 COMPREHENSIVE AUTISM ASSESSMENT CENTERS.

19 4. REPORTING/RESEARCH REQUIREMENTS. (A) EACH RECIPIENT OF FUNDING  
20 PURSUANT TO THIS SECTION SHALL PROVIDE THE FOLLOWING INFORMATION AND  
21 SUCH OTHER INFORMATION AS THE DEPARTMENT MAY REASONABLY REQUIRE WITH  
22 RESPECT TO THE CENTER TO THE DEPARTMENT, ANNUALLY AS REQUIRED BY THE  
23 DEPARTMENT:

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

26 (II) THE AVERAGE LENGTH OF STAY OF THOSE CHILDREN WHO RECEIVE SERVICES  
27 AT THE CENTER; AND

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

29 (B) THE DEPARTMENT SHALL ANNUALLY COMPILE SUCH REPORTS ON THE CENTERS'  
30 ACTIVITIES AND FINDINGS AND ANNUALLY REPORT ON THE CENTERS TO THE GOVER-  
31 NOR AND LEGISLATURE.

32 (C) THE COMMISSIONER SHALL ASSIST IN AND ENCOURAGE THE DEVELOPMENT OF  
33 RESEARCH COLLABORATIONS BETWEEN THE CENTERS AND RELEVANT STATE AGENCY  
34 FACILITIES, COLLEGES AND UNIVERSITIES AND, WHERE APPROPRIATE, PRIVATE  
35 RESEARCH ENTITIES.

36 S 4. This act shall take effect immediately.