

3217

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 24, 2011

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Introduced by M. of A. SCHROEDER, P. RIVERA, MAISEL, ABBATE, SPANO, DUPREY, LIFTON, PHEFFER, TITONE, CALHOUN, RAIA, TOBACCO, McDONOUGH, ARROYO, BENEDETTO, PEOPLES-STOKES, ROBINSON, COOK, GIBSON, CASTRO, CLARK, JAFFEE -- Multi-Sponsored by -- M. of A. BARCLAY, BOYLAND, BURLING, BUTLER, CAMARA, CONTE, CROUCH, FINCH, GABRYSZAK, GIGLIO, HOOPER, JACOBS, JORDAN, MARKEY, McENENY, McKEVITT, J. MILLER, MOLINARO, PERRY, RABBITT, REILLY, SALADINO, THIELE -- read once and referred to the Committee on Health

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 the office for people with 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 ASSEMBLY, 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 Section 2500-j of the public health law is REPEALED.  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     THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, AND ON OR BEFORE  
7     MAY FIRST, TWO THOUSAND TWELVE, PROMULGATE RULES AND REGULATIONS REQUIR-  
8     ING EVERY PEDIATRIC PRIMARY CARE PROVIDER, CONDUCTING A WELLNESS AND  
9     PREVENTATIVE CARE EXAMINATION, ON OR AFTER SEPTEMBER FIRST, TWO THOUSAND  
10    TWELVE, OF A CHILD EIGHTEEN MONTHS OF AGE OR OLDER, TO SCREEN SUCH CHILD  
11    FOR AUTISM SPECTRUM DISORDERS.  
12    2. IN ADDITION, SUCH RULES AND REGULATIONS SHALL ESTABLISH GUIDELINES  
13    AND PROTOCOLS FOR:

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

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1 (A) THE BEST PRACTICES FOR THE SCREENING FOR AND DIAGNOSIS OF AUTISM  
2 SPECTRUM DISORDERS;

3 (B) THE EMPLOYMENT OF OBJECTIVE AUTISM SPECTRUM DISORDER TOOLS; AND

4 (C) THE APPROPRIATE REFERRAL MECHANISM FOR CHILDREN, WHO BASED UPON  
5 THE RESULTS OF SCREENING FOR AUTISM SPECTRUM DISORDERS, REQUIRE FURTHER  
6 EVALUATION.

7 3. IF THE COMMISSIONER AND THE COMMISSIONER OF THE OFFICE FOR PEOPLE  
8 WITH DEVELOPMENTAL DISABILITIES SHALL FAIL TO PROMULGATE, ON OR BEFORE  
9 MAY FIRST, TWO THOUSAND TWELVE, THE RULES AND REGULATIONS REQUIRED BY  
10 SUBDIVISIONS ONE AND TWO OF THIS SECTION, THE DEPARTMENT SHALL ADOPT AND  
11 IMPLEMENT THE RELEVANT FEDERAL RULES AND REGULATIONS RELATING THERETO.

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

14 S 16.39 PEDIATRIC WELLNESS VISITS; SCREENING FOR AUTISM SPECTRUM DISOR-  
15 DERS.

16 THE COMMISSIONER SHALL, JOINTLY WITH THE COMMISSIONER OF HEALTH, AND  
17 ON OR BEFORE MAY FIRST, TWO THOUSAND TWELVE, PROMULGATE ANY AND ALL  
18 RULES AND REGULATIONS REQUIRED BY SUBDIVISIONS ONE AND TWO OF SECTION  
19 TWENTY-FIVE HUNDRED-K OF THE PUBLIC HEALTH LAW RELATING TO THE SCREENING  
20 OF CHILDREN FOR AUTISM SPECTRUM DISORDERS.

21 S 4. This act shall take effect immediately, except that section one  
22 of this act shall take effect September 1, 2012.