

2340

2011-2012 Regular Sessions

I N   S E N A T E

January 19, 2011

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Introduced by Sen. McDONALD -- 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:

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

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

15                             ARTICLE 24-F

16                             AUTISM SPECTRUM DISORDER REPORTING

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

18             2499-C. REGISTRY AND REPORTING REQUIREMENTS.

19     S 2499-B. AUTISM SPECTRUM DISORDER; DUTY TO REPORT. 1. EVERY PHYSICIAN  
20     OR PSYCHOLOGIST LICENSED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF  
21     THE EDUCATION LAW, AND ANY OTHER HEALTH CARE PROFESSIONAL LICENSED  
22     PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHO IS QUALIFIED BY TRAIN-  
23     ING TO MAKE THE DIAGNOSIS AND WHO THEN MAKES THE DIAGNOSIS THAT A CHILD  
24     IS AFFECTED WITH AUTISM SPECTRUM DISORDER SHALL REPORT SUCH DIAGNOSIS TO  
25     THE DEPARTMENT IN A FORM AND MANNER PRESCRIBED BY THE COMMISSIONER.

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

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

8 3. THE COMMISSIONER SHALL SPECIFY PROCEDURES FOR HEALTH CARE PROFES-  
9 SIONALS TO INFORM CHILDREN'S PARENTS AND GUARDIANS OF THE REQUIREMENTS  
10 OF THIS SECTION, THE PURPOSE OF INCLUDING THIS INFORMATION IN A REGIS-  
11 TRY, AND THE OPTION TO REFUSE TO PERMIT THE REPORTING OF ANY INFORMATION  
12 THAT COULD BE USED TO IDENTIFY A CHILD.

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

22 2. THE REPORTS MADE PURSUANT TO THIS ARTICLE ARE TO BE USED ONLY BY  
23 THE DEPARTMENT AND OTHER AGENCIES AS MAY BE DESIGNATED BY THE COMMIS-  
24 SIONER, INCLUDING THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL  
25 DISABILITIES AND THE EDUCATION DEPARTMENT, AND SHALL NOT OTHERWISE BE  
26 DIVULGED OR MADE PUBLIC SO AS TO DISCLOSE THE IDENTITY OF THE PERSON TO  
27 WHOM THEY RELATE. A PHYSICIAN, PSYCHOLOGIST OR OTHER HEALTH CARE PROFES-  
28 SIONAL PROVIDING INFORMATION TO THE DEPARTMENT PURSUANT TO THIS ARTICLE  
29 SHALL NOT BE DEEMED TO BE OR HELD LIABLE FOR DIVULGING CONFIDENTIAL  
30 INFORMATION.

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

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