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

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Cal. No. 90

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ABINANTI, ORTIZ, CURRAN, STIRPE, WEISENBERG, COLTON, MILLMAN, GUNTHER, ABBATE, TITUS, PRETLOW, MOYA, CRESPO, ZEBROWSKI, TITONE, JAFFEE, CAHILL, WEPRIN, ENGLEBRIGHT, LAVINE, CUSICK, MARKEY, ROBERTS, KEARNS, SIMANOWITZ, BARRETT, QUART, RODRIGUEZ, SCHIMEL, SANTABARBARA, CAMARA, BENEDETTO, BRINDISI, SKOUFIS, MILLER, COOK, CORWIN, ROSENTHAL, OTIS -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, BORELLI, BRENNAN, CROUCH, CYMBROWITZ, DUPREY, GRAF, HOOPER, JACOBS, JOHNS, KATZ, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, O'DONNELL, PAULIN, PERRY, RAIA, SCHIMMINGER, SKARTADOS, STEC, SWEENEY, THIELE, WALTER -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to define the term "autism" for the purposes of the education law and the mental hygiene law and the term "autism spectrum disorder" for the purposes of the insurance law and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative Intent. The legislature hereby finds that, according to Centers for Disease Control and Prevention, as many as one in 50 children may have an autism spectrum disorder (ASD). The legislature further finds that early, continuous and appropriate treatment facilitates the best possible outcome for children diagnosed with ASDs. The legislature further finds that, while the periodic reformulation of diagnostic criteria is vital to ensuring the provision of effective

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

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care, the state must respond accordingly to guarantee that such changes do not impact the eligibility of individuals who would benefit from treatment. Therefore, the legislature finds it appropriate to enact measures preserving the existing rights and entitlements of those diagnosed with pervasive developmental disorders using the fourth edition text revision of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV TR) and provide the same rights to diagnosis and treatment to those similarly situated in the future as the medical community transitions to criteria implemented by the fifth edition (DSM-5). The legislature finds that in addition to ensuring continued benefits and state services it is important to convene a council to study the transition from (DSM-IV TR) to the criteria implemented by the fifth edition to ensure that individuals who qualify under (DSM-IV TR) will continue to qualify under DSM-5.

S 2. Notwithstanding any law to the contrary, "autism," for the purposes of the education law and the mental hygiene law, and "autism spectrum disorder," for the purposes of the insurance law, shall include: (1) all persons diagnosed with an autistic disorder, Asperger's disorder, Rett's disorder, childhood disintegrative disorder, or pervasive developmental disorder not otherwise specified (PDD-NOS) using the fourth edition text revision of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV TR); and (2) all persons diagnosed with an autism spectrum disorder diagnosed using the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

S 3. This act shall take effect immediately and shall expire and be deemed repealed three years after such effective date.