

1663--C

Cal. No. 90

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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:

1     Section 1. Legislative Intent. The legislature hereby finds that,  
2     according to Centers for Disease Control and Prevention, as many as one  
3     in 50 children may have an autism spectrum disorder (ASD). The legisla-  
4     ture further finds that early, continuous and appropriate treatment  
5     facilitates the best possible outcome for children diagnosed with ASDs.  
6     The legislature further finds that, while the periodic reformulation of  
7     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.

LBD02950-09-4

1 care, the state must respond accordingly to guarantee that such changes  
2 do not impact the eligibility of individuals who would benefit from  
3 treatment. Therefore, the legislature finds it appropriate to enact  
4 measures preserving the existing rights and entitlements of those diag-  
5 nosed with pervasive developmental disorders using the fourth edition  
6 text revision of the Diagnostic and Statistical Manual of Mental Disor-  
7 ders (DSM-IV TR) and provide the same rights to diagnosis and treatment  
8 to those similarly situated in the future as the medical community tran-  
9 sitions to criteria implemented by the fifth edition (DSM-5). The legis-  
10 lature finds that in addition to ensuring continued benefits and state  
11 services it is important to convene a council to study the transition  
12 from (DSM-IV TR) to the criteria implemented by the fifth edition to  
13 ensure that individuals who qualify under (DSM-IV TR) will continue to  
14 qualify under DSM-5.

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

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