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

210

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ABINANTI, PERRY -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to establishing the diagnostic and statistical manual of mental disorders (DSM-5) implementation council; 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 finds that early, continuous and appropriate treatment facilitates the best possible outcome for children diagnosed with autism spectrum disorder (ASD). The legislature further finds that while periodic reformation of diagnostic criteria is vital to ensure quality care, the legislature and state must be able to respond accordingly if such changes may impact individuals currently receiving treatment. Therefore, the legislature finds it appropriate to establish a council consisting of stakeholders, including parents and physicians, to advise the state and legislature on the implementation and impact of the transition from the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders to the criteria implemented by the fifth edition to ensure that individuals who qualify under DSM-IV will continue to qualify under DSM-5. The legislature further finds that until such time that the state understands the impacts it is important to ensure the continued benefits and state services for individuals with a diagnosis.

S 2. The mental hygiene law is amended by adding a new section 16.38 to read as follows:

S 16.38 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-5) IMPLEMENTATION COUNCIL.

1.(A) THE OFFICE SHALL ESTABLISH A DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-5) IMPLEMENTATION COUNCIL.

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

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(B) THE COUNCIL SHALL CONSIST OF NINETEEN MEMBERS, APPOINTED BY THE GOVERNOR. SIX SHALL BE PARENTS OR GUARDIANS, THREE OF WHOM WHO SHALL HAVE CHILDREN DIAGNOSED WITH A PERVASIVE DEVELOPMENTAL DISORDER (PDD) UNDER THE FOURTH EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-IV), AND THREE OF WHOM WHO SHALL HAVE CHILDREN DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER (ASD) OR SOCIAL COMMUNICATION DISORDER (SCD) UNDER THE FIFTH EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM-5); FIVE SHALL BE REPRESENTATIVES OF PUBLIC OR PRIVATE PROVIDERS OF SERVICES TO INDIVIDUALS WITH ASDS, AT LEAST ONE OF WHOM SHALL BE A PSYCHIATRIST LICENSED TO PRACTICE IN THE STATE, AT LEAST ONE OF WHOM SHALL BE A REPRESENTATIVE OF A CENTER FOR AUTISM AND RELATED DISABILITIES LOCATED WITHIN THE STATE, AND AT LEAST ONE OF WHOM SHALL BE ASSOCIATED WITH A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE EDUCATIONAL SERVICES; TWO SHALL BE REPRESENTATIVES OF ORGANIZATIONS THAT ADVOCATE FOR INDIVIDUALS WITH ASDS; TWO SHALL BE REPRESENTATIVES OF AUTHORIZED INSURERS ISSUING POLICIES PURSUANT TO ARTICLE THIRTY-TWO OR FORTY-THREE OF THE INSURANCE LAW; AND FOUR SHALL BE THE COMMISSIONER, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH, AND THE SUPERINTENDENT OF FINANCIAL SERVICES, OR THEIR APPROPRIATE DESIGNEES WITH SUFFICIENT AUTHORITY TO ENGAGE IN POLICY PLANNING AND IMPLEMENTATION ON BEHALF OF THEIR AGENCIES.

(C) THE GOVERNOR SHALL APPOINT THE MEMBERS. SIX SHALL BE APPOINTED ON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND SIX SHALL BE APPOINTED ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, EACH OF WHOM SHALL RECOMMEND THREE MEMBERS AS FOLLOWS: ONE PARENT OF A CHILD WITH A PDD UNDER DSM-IV; ONE PARENT OF A CHILD WITH AN ASD OR SCD UNDER DSM-5; ONE REPRESENTATIVE OF PUBLIC OR PRIVATE PROVIDERS OF SERVICES TO INDIVIDUALS WITH ASDS.

(D) VACANCIES IN THE COUNCIL SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

2. DUTIES OF THE COUNCIL SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) GATHERING STAKEHOLDER INPUT REGARDING THE IMPLEMENTATION OF DSM-5 CRITERIA, AND PROPOSED REGULATORY OR STATUTORY AMENDMENTS RELATING TO THE TRANSITION FROM DSM-IV.

(B) ASSISTING THE OFFICE, THE STATE EDUCATION DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF FINANCIAL SERVICES IN PROMULGATING REGULATIONS AND GUIDANCE TO ENSURE THOSE WITH PDD DIAGNOSES UNDER DSM-IV RECEIVE THE SAME LEGAL ENTITLEMENTS AS THOSE WITH ASD AND SCD DIAGNOSES UNDER DSM-5.

(C) MONITORING STUDIES EVALUATING THE NEW DIAGNOSTIC CRITERIA; AS WELL AS ANY AMENDMENTS TO, OR GUIDANCE RELATING TO, DSM-5.

(D) PROVIDING RECOMMENDATIONS FOR STATUTORY AMENDMENTS RELATING TO THE TRANSITION TO DSM-5 FROM DSM-IV TO ENSURE THAT INDIVIDUALS WHO WOULD QUALIFY FOR BENEFITS AND STATE SERVICES UNDER DSM-IV WOULD CONTINUE TO QUALIFY UNDER DSM-5.

(E) PREPARE AND SUBMIT AN ANNUAL REPORT, THE FIRST OF WHICH SHALL BE SUBMITTED NO LATER THAN OCTOBER FIRST, TWO THOUSAND SIXTEEN, TO THE GOVERNOR AND LEGISLATURE ON THE STATUS OF THE TRANSITION TO DSM-5 FROM DSM-IV.

3. THE COUNCIL SHALL MEET AT LEAST TWO TIMES A YEAR. SPECIAL MEETINGS MAY BE CALLED AT THE REQUEST OF THE COMMISSIONER.

4. THE MEMBERS OF THE COUNCIL SHALL BE ALLOWED THEIR REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

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