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

3641

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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 care, the State must respond accordingly to guarantee that such changes do not impact the eligibility of individuals currently receiving treatment under the law. 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) 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

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

LBD05793-02-5

include: (1) an autistic disorder, Asperger's disorder, Rett's disorder, childhood disintegrative disorder, or pervasive developmental disorder not otherwise specified (PDD-NOS), as diagnosed using the fourth edition text revision of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV TR); and (2) 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 two years after such effective date.