

210

2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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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) imple-  
mentation council; and providing for the repeal of such provisions  
upon expiration thereof

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

1     Section 1. Legislative intent. The legislature finds that early,  
2     continuous and appropriate treatment facilitates the best possible  
3     outcome for children diagnosed with autism spectrum disorder (ASD). The  
4     legislature further finds that while periodic reformation of diagnostic  
5     criteria is vital to ensure quality care, the legislature and state must  
6     be able to respond accordingly if such changes may impact individuals  
7     currently receiving treatment. Therefore, the legislature finds it  
8     appropriate to establish a council consisting of stakeholders, including  
9     parents and physicians, to advise the state and legislature on the  
10    implementation and impact of the transition from the fourth edition of  
11    the Diagnostic and Statistical Manual of Mental Disorders to the crite-  
12    ria implemented by the fifth edition to ensure that individuals who  
13    qualify under DSM-IV will continue to qualify under DSM-5. The legisla-  
14    ture further finds that until such time that the state understands the  
15    impacts it is important to ensure the continued benefits and state  
16    services for individuals with a diagnosis.

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

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

21    1.(A) THE OFFICE SHALL ESTABLISH A DIAGNOSTIC AND STATISTICAL MANUAL  
22    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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1 (B) THE COUNCIL SHALL CONSIST OF NINETEEN MEMBERS, APPOINTED BY THE  
2 GOVERNOR. SIX SHALL BE PARENTS OR GUARDIANS, THREE OF WHOM WHO SHALL  
3 HAVE CHILDREN DIAGNOSED WITH A PERVASIVE DEVELOPMENTAL DISORDER (PDD)  
4 UNDER THE FOURTH EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF  
5 MENTAL DISORDERS (DSM-IV), AND THREE OF WHOM WHO SHALL HAVE CHILDREN  
6 DIAGNOSED WITH AN AUTISM SPECTRUM DISORDER (ASD) OR SOCIAL COMMUNICATION  
7 DISORDER (SCD) UNDER THE FIFTH EDITION OF THE DIAGNOSTIC AND STATISTICAL  
8 MANUAL OF MENTAL DISORDERS (DSM-5); FIVE SHALL BE REPRESENTATIVES OF  
9 PUBLIC OR PRIVATE PROVIDERS OF SERVICES TO INDIVIDUALS WITH ASDS, AT  
10 LEAST ONE OF WHOM SHALL BE A PSYCHIATRIST LICENSED TO PRACTICE IN THE  
11 STATE, AT LEAST ONE OF WHOM SHALL BE A REPRESENTATIVE OF A CENTER FOR  
12 AUTISM AND RELATED DISABILITIES LOCATED WITHIN THE STATE, AND AT LEAST  
13 ONE OF WHOM SHALL BE ASSOCIATED WITH A SCHOOL DISTRICT OR A BOARD OF  
14 COOPERATIVE EDUCATIONAL SERVICES; TWO SHALL BE REPRESENTATIVES OF ORGAN-  
15 IZATIONS THAT ADVOCATE FOR INDIVIDUALS WITH ASDS; TWO SHALL BE REPRESENTATIVES OF AUTHORIZED INSURERS ISSUING POLICIES PURSUANT TO ARTICLE  
16 THIRTY-TWO OR FORTY-THREE OF THE INSURANCE LAW; AND FOUR SHALL BE THE  
17 COMMISSIONER, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF HEALTH,  
18 AND THE SUPERINTENDENT OF FINANCIAL SERVICES, OR THEIR APPROPRIATE  
19 DESIGNEES WITH SUFFICIENT AUTHORITY TO ENGAGE IN POLICY PLANNING AND  
20 IMPLEMENTATION ON BEHALF OF THEIR AGENCIES.

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

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

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

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

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

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

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

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

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

52 4. THE MEMBERS OF THE COUNCIL SHALL BE ALLOWED THEIR REASONABLE AND  
53 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES HERE-  
54 UNDER.

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