

435

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, ORTIZ, CURRAN, STIRPE, COLTON, 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, JOHNS, KATZ, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, O'DONNELL, PAULIN, PERRY, RAIA, SCHIMMINGER, SKARTADOS, STEC, THIELE, WALTER -- read once and referred to the Committee on Mental Health

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  
8     care, the state must respond accordingly to guarantee that such changes  
9     do not impact the eligibility of individuals who would benefit from  
10    treatment. Therefore, the legislature finds it appropriate to enact  
11    measures preserving the existing rights and entitlements of those diag-  
12    nosed with pervasive developmental disorders using the fourth edition  
13    text revision of the Diagnostic and Statistical Manual of Mental Disor-  
14    ders (DSM-IV TR) and provide the same rights to diagnosis and treatment

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

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1 to those similarly situated in the future as the medical community tran-  
2 sitions to criteria implemented by the fifth edition (DSM-5). The legis-  
3 lature finds that in addition to ensuring continued benefits and state  
4 services it is important to convene a council to study the transition  
5 from (DSM-IV TR) to the criteria implemented by the fifth edition to  
6 ensure that individuals who qualify under (DSM-IV TR) will continue to  
7 qualify under DSM-5.

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

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19 deemed repealed three years after such effective date.