

# STATE OF NEW YORK

879

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, GOTTFRIED, ABBATE, RIVERA, COLTON, TITONE, ABINANTI, RAIA, MONTESANO, LUPINACCI, CROUCH -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the development of comprehensive autism assessment centers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 2801 of the public health law, as  
2 amended by chapter 397 of the laws of 2016, is amended to read as  
3 follows:

4 1. "Hospital" means a facility or institution engaged principally in  
5 providing services by or under the supervision of a physician or, in the  
6 case of a dental clinic or dental dispensary, of a dentist, or, in the  
7 case of a midwifery birth center, of a midwife, for the prevention,  
8 diagnosis or treatment of human disease, pain, injury, deformity or  
9 physical condition, including, but not limited to, a general hospital,  
10 public health center, diagnostic center, treatment center, dental clinic,  
11 dental dispensary, rehabilitation center other than a facility used  
12 solely for vocational rehabilitation, nursing home, tuberculosis hospital,  
13 chronic disease hospital, maternity hospital, midwifery birth  
14 center, lying-in-asylum, out-patient department, out-patient lodge,  
15 dispensary and a laboratory or central service facility serving one or  
16 more such institutions, a comprehensive autism assessment center, but  
17 the term hospital shall not include an institution, sanitarium or other  
18 facility engaged principally in providing services for the prevention,  
19 diagnosis or treatment of mental disability and which is subject to the  
20 powers of visitation, examination, inspection and investigation of the  
21 department of mental hygiene except for those distinct parts of such a  
22 facility which provide hospital service. The provisions of this article  
23 shall not apply to a facility or institution engaged principally in  
24 providing services by or under the supervision of the bona fide members

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

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1 and adherents of a recognized religious organization whose teachings  
2 include reliance on spiritual means through prayer alone for healing in  
3 the practice of the religion of such organization and where services are  
4 provided in accordance with those teachings.

5 § 2. Section 2801 of the public health law is amended by adding a new  
6 subdivision 12 to read as follows:

7 12. "Comprehensive autism assessment center" means a comprehensive  
8 autism assessment center under section twenty-eight hundred twenty-seven  
9 of this article.

10 § 3. The public health law is amended by adding a new section 2827 to  
11 read as follows:

12 § 2827. Comprehensive autism assessment centers. 1. Definitions. For  
13 the purposes of this section, unless the context clearly requires other-  
14 wise:

15 (a) "Autism spectrum disorder" means any of a group of neurodevelop-  
16 mental disorders including: autism; pervasive developmental disorder -  
17 not otherwise specified (PDD-NOS); Rett's syndrome; Asperger's disorder;  
18 and childhood disintegrative disorder. Autism spectrum disorders may  
19 include characteristics such as language disturbance, social disturb-  
20 ance, and restrictive and repetitive patterns of play with a rigid  
21 adherence to sameness. Additional co-occurring impairments in those  
22 severely affected may include sensory problems such as auditory hyper-  
23 sensitivity, temperature regulation issues, seizure disorders, abnormal  
24 pain threshold, gastrointestinal problems, and psychiatric conditions  
25 such as obsessive compulsive disorder, depression and anxiety.

26 (b) "Comprehensive autism assessment center" or "center" means a  
27 center designated by the commissioner under this section.

28 2. Comprehensive autism assessment centers established. (a) The  
29 commissioner shall facilitate the development and establishment of, and  
30 designate, four comprehensive centers for the assessment of children  
31 primarily between the ages of five and eighteen diagnosed with autism  
32 spectrum disorders and development of appropriate short-term inter-  
33 ventions and individual treatment plans which are designed to manage and  
34 improve functioning. The commissioner shall establish procedures and  
35 criteria for the designation of such centers consistent with this  
36 section.

37 (b) The centers shall utilize an array of disciplines which may  
38 include but not be limited to: physical, medical and psychiatric; neuro-  
39 behavioral; nutrition; gastroenterology; motor and fitness; sleep analy-  
40 sis; communication and social; and psycho-educational. Services provided  
41 by the centers may include but not be limited to the following compo-  
42 nents:

43 (i) Intensive assessment services, including integrated, interdis-  
44 ciplinary analysis of a resident's functional characteristics and disabil-  
45 ities. Utilizing a comprehensive framework such as international classi-  
46 fication of functioning disability and health-children and youth  
47 (ICF-CY)(World Health Organization 2007), centers shall comprehensively  
48 assess the range of functioning and development of children with autism  
49 spectrum disorders including but not limited to: communication; sociali-  
50 zation; general, behavioral, neurological, psychiatric, body and medical  
51 functioning; child-environmental interactions; activity limitations; and  
52 participation restrictions.

53 (ii) Development of appropriate short-term interventions and individ-  
54 ual treatment plans which are designed to manage and improve functioning  
55 for the children assessed by the center.

1 (iii) Residential services that provide short-term residential support  
 2 for children admitted to the center who require a short stay for the  
 3 period in which the assessment is conducted. These services are intended  
 4 to provide support for the assessment activities and are not to be long-  
 5 term nor are they to be provided in a general hospital or nursing home  
 6 as defined in this article nor in the capacity of permanent housing.

7 (iv) Educational services approved by the state education department.  
 8 Such education services provided shall be consistent with the child's  
 9 home school district's curriculum and the educational needs of the  
 10 child, and appropriate to the child's short-term stay in the center. The  
 11 center shall consult with the child's home school district to develop an  
 12 appropriate educational plan.

13 (v) Medical clinical services. Each center shall have the capacity  
 14 on-site or readily accessible to provide for the resident's medical and  
 15 clinical needs. These services shall be available to provide medical  
 16 services to address general, chronic and ongoing medical conditions.

17 3. Grants for development of comprehensive autism assessment centers.  
 18 Within amounts appropriated, the commissioner shall provide funding,  
 19 pursuant to a request for proposals, to aid in the development of  
 20 comprehensive autism assessment centers.

21 4. Reporting/research requirements. (a) Each recipient of funding  
 22 pursuant to this section shall provide the following information and  
 23 such other information as the department may reasonably require with  
 24 respect to the center to the department, annually as required by the  
 25 department:

26 (i) The annual number of children receiving services pursuant to this  
 27 section;

28 (ii) The average length of stay of those children who receive services  
 29 at the center; and

30 (iii) The type of programs and interventions that children received.

31 (b) The department shall annually compile such reports on the centers'  
 32 activities and findings and annually report on the centers to the gover-  
 33 nor and legislature.

34 (c) The commissioner shall assist in and encourage the development of  
 35 research collaborations between the centers and relevant state agency  
 36 facilities, colleges and universities and, where appropriate, private  
 37 research entities.

38 § 4. This act shall take effect immediately.