STATE OF NEW YORK

3304

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the mental hygiene law, in relation to directing the commissioner of health and the commissioner of developmental disabilities to promulgate rules and regulations requiring every child beginning at the age of eighteen months to be examined for autism spectrum disorders; and to repeal section 2500-j of the public health law relating to screening children for autism spectrum disorders

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

Section 1. Section 2500-j of the public health law is REPEALED.

§ 2. The public health law is amended by adding a new section 2500-m to read as follows:

§ 2500-m. Pediatric wellness visits; screening for autism spectrum disorders. 1. The commissioner shall, jointly with the commissioner of developmental disabilities, and on or before May first, two thousand twenty-three, promulgate rules and regulations requiring every pediatric primary care provider, conducting a wellness and preventative care examination, on or after September first, two thousand twenty-three, of a child eighteen months of age or older, to screen such child for autism spectrum disorders.

2. In addition, such rules and regulations shall establish guidelines and protocols for:

(a) the best practices for the screening for and diagnosis of autism spectrum disorders;

(b) the employment of objective autism spectrum disorder tools; and

(c) the appropriate referral mechanism for children, who based upon the results of screening for autism spectrum disorders, require further evaluation.

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

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3. If the commissioner and the commissioner of developmental disabilities shall fail to promulgate, on or before May first, two thousand twenty-three, the rules and regulations required by subdivisions one and two of this section, the department shall adopt and implement the relevant federal rules and regulations relating thereto.

§ 3. The mental hygiene law is amended by adding a new section 16.39 to read as follows:

§ 16.39 Pediatric wellness visits; screening for autism spectrum disorders.

The commissioner shall, jointly with the commissioner of health, and on or before May first, two thousand twenty-three, promulgate any and all rules and regulations required by subdivisions one and two of section twenty-five hundred-m of the public health law relating to the screening of children for autism spectrum disorders.

§ 4. This act shall take effect immediately, except that section one of this act shall take effect September 1, 2023.