STATE OF NEW YORK

1350

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. GUNTHER, COLTON, SANTABARBARA, WALSH -- 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:

Section 1. Subdivision 1 of section 2801 of the public health law, as amended by section 1 of part Z of chapter 57 of the laws of 2019, is amended to read as follows:

1. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, or, in the case of a midwifery birth center, of a midwife, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, midwifery birth center, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, **a comprehensive autism assessment center,** but the term hospital shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings

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

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include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those teachings. No provision of this article or any other provision of law shall be construed to: (a) limit the volume of mental health, substance use disorder services or developmental disability services that can be provided by a provider of primary care services licensed under this article and authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of alcoholism and substance abuse services and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve; (b) require a provider licensed pursuant to article thirty-one of the mental hygiene law or certified pursuant to article sixteen or article thirty-two of the mental hygiene law to obtain an operating certificate from the department if such provider has been authorized to provide integrated services in accordance with regulations issued by the commissioner in consultation with the commissioner of the office of mental health, the commissioner of the office of alcoholism and substance abuse services and the commissioner of the office for people with developmental disabilities, including regulations issued pursuant to subdivision seven of section three hundred sixty-five-l of the social services law or part L of chapter fifty-six of the laws of two thousand twelve.

§ 2. Section 2801 of the public health law is amended by adding a new subdivision 15 to read as follows:

15. "Comprehensive autism assessment center" means a comprehensive autism assessment center under section twenty-eight hundred thirty-one of this article.

§ 3. The public health law is amended by adding a new section 2831 to read as follows:

§ 2831. Comprehensive autism assessment centers. 1. Definitions. For the purposes of this section, unless the context clearly requires otherwise:

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

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

2. Comprehensive autism assessment centers established. (a) The commissioner shall facilitate the development and establishment of, and designate, four comprehensive centers for the assessment of children primarily between the ages of five and eighteen diagnosed with autism spectrum disorders and development of appropriate short-term interventions and individual treatment plans which are designed to manage and improve functioning. The commissioner shall establish procedures and

criteria for the designation of such centers consistent with this section.

(b) The centers shall utilize an array of disciplines which may include but not be limited to: physical, medical and psychiatric; neuro-behavioral; nutrition; gastroenterology; motor and fitness; sleep analysis; communication and social; and psycho-educational. Services provided by the centers may include but not be limited to the following components:

(i) Intensive assessment services, including integrated, interdisciplinary analysis of a resident's functional characteristics and disabilities. Utilizing a comprehensive framework such as international classification of functioning disability and health-children and youth (ICF-CY)(World Health Organization 2007), centers shall comprehensively assess the range of functioning and development of children with autism spectrum disorders including but not limited to: communication; socialization; general, behavioral, neurological, psychiatric, body and medical functioning; child-environmental interactions; activity limitations; and participation restrictions.

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

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

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

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

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

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

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

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

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

(b) The department shall annually compile such reports on the centers' activities and findings and annually report on the centers to the governor and legislature.

(c) The commissioner shall assist in and encourage the development of research collaborations between the centers and relevant state agency

facilities, colleges and universities and, where appropriate, private research entities.

§ 4. This act shall take effect immediately.