STATE OF NEW YORK

4741--C

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 the office for people with developmental disabilities to promulgate rules and regulations requiring every child beginning at the age of twelve months to be examined 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, as added by chapter 335 of the laws of 2008, the opening paragraph of subdivision 1 as amended by chapter 241 of the laws of 2018, is amended to read as follows:

§ 2500-j. [~~Autism spectrum disorders; screening of children~~] **Pediatric wellness visits; screening for autism spectrum disorders**. 1. The commissioner shall [~~establish, for use by~~]**, jointly with the commissioner of the office for people with developmental disabilities, and on or before May first, two thousand twenty-five, promulgate rules and regulations requiring every** pediatric primary care [~~providers, best practice protocols for early screening of children for autism spectrum disorders, including but not limited to developmental screening for children three years of age and under. Such protocols shall incorporate standards and guidelines established by the American Academy of Pediatrics, shall be updated at least biennially, and shall include, but not be limited to:~~]

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

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provider, conducting a wellness and preventative care examination, on or after September first, two thousand twenty-five, of a child twelve months of age or older, to screen such child for autism spectrum disorders, and conduct such screening annually until the child reaches six years of age, and thereafter at eleven and fourteen years of age.

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 routine employment of objective autism spectrum disorder screening tools [~~at regular intervals during critical childhood developmental stages;~~

~~(b) a provider/parental dialogue, utilizing the modified checklist for autism in toddlers as a reference, intended to educate parents in regard to autism spectrum disorders~~]; and

(c) an appropriate referral mechanism for children who, based upon results of the aforementioned screening process, require further evaluation.

[~~2. The modified checklist for autism in toddlers referred to in subdivision one of this section shall be accessible by the public on the department's internet website.~~

~~3. The commissioner shall promulgate any rules and regulations necessary to implement the provisions of this section.~~] 3. If the commissioner and the commissioner of the office for people with developmental disabilities shall fail to promulgate, on or before May first, two thousand twenty-five, 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.

§ 2. 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-five, promulgate any and all rules and regulations required by subdivisions one and two of section twenty-five hundred-j of the public health law relating to the screening of children for autism spectrum disorders.

§ 3. This act shall take effect immediately.