

2009 -- H 5266 SUBSTITUTE A

LC00650/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM
DISORDER EVALUATION AND TREATMENT ACT

Introduced By: Representatives Palumbo, Corvese, Naughton, DeSimone, and D Caprio

Date Introduced: February 03, 2009

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-79 of the General Laws entitled "The Rhode Island Autism
2 Spectrum Disorder Evaluation and Treatment Act" is hereby repealed in its entirety.

3 ~~CHAPTER 23-79~~

4 ~~The Rhode Island Autism Spectrum Disorder Evaluation and Treatment Act~~

5 ~~23-79-1. Short title. -- This chapter shall be known and may be cited as "The Rhode
6 Island Autism Spectrum Disorder Evaluation and Treatment Act."~~

7 ~~23-79-2. Legislative purpose and policy. -- Autism Spectrum Disorders ("ASD") is a
8 neurological disorder that affects one in one hundred fifty seven (157) children within the state of
9 Rhode Island as of the enactment of this law. In 1992, this disorder affected one in ten thousand
10 (10,000) children nationally. Modern scientific and neurological studies have not identified any
11 one factor contributing to the increase in diagnosis. Early diagnosis and therapeutic strategies
12 greatly assists in the assistance to children with autism. The Rhode Island general assembly
13 declares "ASD" to be a matter of public health and urgency to assist children and adults affected
14 with this disorder and hereby creates the "Rhode Island Autism Spectrum Disorder Evaluation
15 and Treatment Act."~~

16 ~~23-79-3. Legislative findings. -- It is hereby found and declared as follows:~~

17 ~~(a) Autism is a significant neurological disorder that is a threat to the development of
18 children. Autism Spectrum Disorder ("ASD") has rapidly increased in diagnosis over the past~~

1 ~~decade.~~

2 ~~-(b) The incidence of autism spectrum disorder continues to increase at a dramatic rate. In~~
3 ~~1992, one in ten thousand (10,000) children were diagnosed with "ASD". By 2003, one in one~~
4 ~~hundred fifty seven (157) children was diagnosed with this disorder.~~

5 ~~-(c) "ASD" exacts an enormous economic toll on society, including the public school~~
6 ~~system and family finances.~~

7 ~~-(d) Medical and psychological experts still do not know the causes of "ASD", prevention~~
8 ~~of "ASD" or unified strategies dealing with children and adults afflicted with such disorder.~~

9 ~~-(e) The State of Rhode Island must take the lead in combating the increasingly rapid~~
10 ~~problems associated with "ASD" and the current treatments and strategies.~~

11 ~~-(f) It is the intent of the legislature in enacting this chapter to reinforce screening for~~
12 ~~children who are uninsured and/or underinsured through the Rhode Island department of health~~
13 ~~with assistance from experts, service providers and parents.~~

14 ~~-(g) It is the further intent of the general assembly, subject to appropriation and/or the~~
15 ~~receipt of other resources designated for these purposes, to authorize the Rhode Island department~~
16 ~~of health to provide appropriate testing and screening models to determine a proper diagnosis of~~
17 ~~"ASD" and to create a case management system to properly catalogue such diagnosis.~~

18 ~~-(h) In addition, subject to appropriation and/or the receipt of other resources designated~~
19 ~~for these purposes, this chapter shall authorize programs of outreach, education, increased~~
20 ~~awareness and cultural competence to the statewide community.~~

21 SECTION 2. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
22 by adding thereto the following chapter:

23 CHAPTER 24.1

24 THE RHODE ISLAND AUTISM SPECTRUM DISORDER EDUCATION ACT

25 **16-24.1-1. Short title.** – This chapter shall be known and may be cited as “The Rhode
26 Island Autism Spectrum Disorder Education Act.”

27 **16-24.1-2. Legislative findings.** – It is hereby found and declared as follows:

28 (a) Autism is a neurobiological, developmental disorder that is defined by behavioral and
29 development features.

30 (b) Autism is best characterized as a spectrum of disorders that vary in severity of
31 symptoms, age of onset and association with other disorders (e.g. mental retardation, specific
32 language delay, epilepsy) and are unique in their pattern of deficits and areas of relative strengths.
33 They generally have lifelong effects on how children learn to be social beings, to care for
34 themselves, and to participate in the community.

1 (c) The incidence of autism has dramatically increased. In 1992, one in ten thousand
2 (10,000) children were diagnosed with “ASD”, yet currently one in one hundred fifty (150)
3 children have this disorder.

4 (d) Children and youth with Autism Spectrum Disorders (ASD) offer unique challenges
5 to families, teachers and others who work with them, particularly with nonverbal and verbal
6 communication and behavior problems.

7 (e) Medical and psychological experts still do not know the causes of “ASD”, prevention
8 of “ASD” or unified strategies dealing with children and adults afflicted with such disorder.

9 (f) Education, both directly of children and youth, and of parents and teachers, is
10 currently the primary form of treatment for Autism Spectrum Disorders (ASD).

11 (g) The education of children and youth with ASD is accepted as a public responsibility.
12 However, goals, methods and resources available vary greatly from school system to school
13 system, school to school, and class to class.

14 (h) Education is defined as the fostering of the acquisition of skills or knowledge—
15 including not only academic learning, but also socialization, adaptive skills, language and
16 communication, and reduction of behavior problems to assist the child to develop independence
17 and social responsibility.

18 (i) “ASD” exacts an enormous economic toll on society, including the public school
19 system and family finances.

20 (J) The Autism Society of America estimates that the lifetime cost of caring for a child
21 with autism ranges from three million five hundred thousand dollars (\$3,500,000) to five million
22 dollars (\$5,000,000), and that the United States is facing almost ninety billion dollars
23 (\$90,000,000,000) annually in costs for autism.

24 **16-24.1-3. Legislative purpose and policy.** – It shall be the goal and purpose of this act
25 to promote the early diagnosis of ASD and therapeutic strategies for treatment and assistance to
26 individuals with autism. The state of Rhode Island must take the lead in combating the
27 increasingly rapid problems associated with “ASD” and the current treatments and strategies. It is
28 the intent of the legislature in enacting this chapter to reinforce screening for children who are
29 uninsured and/or underinsured through the Rhode Island department of health with assistance
30 from experts, service providers and parents. It is the further intent of the general assembly,
31 subject to appropriation and/or the receipt of other resources designated for these purposes, to
32 authorize the Rhode Island department of health to provide appropriate testing and screening
33 models to determine a proper diagnosis of “ASD” and to create a case management system to
34 properly catalogue such diagnosis. In addition, subject to appropriation and/or the receipt of other

1 resources designated for these purposes, this chapter shall authorize programs of outreach,
2 education, increased awareness and cultural competence to the statewide community.

3 **16-24.1-4. Implementation.** – To implement the state’s autism public policies, the
4 following steps should be taken:

5 (1) The department of health shall develop a coordinated plan for collecting prevalence
6 data and reporting it;

7 (2) The department of human services shall continue to raise public awareness especially
8 among families regarding the need for early intervention and how to access it;

9 (3) The department of human services shall continue its current practice, to raise
10 awareness of early intervention providers and families for earlier assessment and intervention;

11 (4) The department of human services will increase the capacity and improve consistency
12 of early intervention programs and providers;

13 (5) The department of education shall develop a “Needs Assessment Document” to
14 perform a random sampling in the public schools to differentiate between what student needs are
15 being met and what needs are not being met. This information will be used to identify how needs
16 are currently being met and how that information can be used to develop a way to meet the unmet
17 needs; identify ways the existing system could be modified to support the unmet needs;

18 (6) The department of education in conjunction with Rhode Island College shall produce
19 a series of instructional modules that could be embedded into existing pre-service courses in
20 multi-disciplines; and

21 (7) The department of education in conjunction with Rhode Island College shall develop
22 a continuing education certificate in autism spectrum disorders at Rhode Island College (to be
23 offered jointly with Salve Regina University and the University of Rhode Island).

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - THE RHODE ISLAND AUTISM SPECTRUM
DISORDER EVALUATION AND TREATMENT ACT

1 This act would require the state departments of health, education and human services to
2 implement programs and plans to address the state's declared autism public policy emphasizing
3 awareness and early intervention.

4 This act would take effect upon passage.

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