

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

- "Gov. Corzine signs seven autism bills into law," Asbury Park Press, 9-13-07, p.A7
- "New laws aim at fighting autism, improving services," Home News Tribune, 9-13-07, p.____
- "Corzine OKs laws aimed at autism," Courier-Post, 9-13-07, p.____
- "Corzine signs bills to bolster autism fight," The Star-Ledger, 9-13-07, p.22
- "New Jersey gives \$4M boost to autism research," The Record, 9-13-07, p.A01
- "New Jersey targets nation's highest autism rate," Burlington County Times, p.____
- "State probes needs of autistic adults," Courier News, 9-13-07. p.____

Title 26.
Chapter 2.
PART KK.
(NEW)
REPORTING
AUTISM
DIAGNOSES,
REGISTRY
§§1-4
C.26:2-185
to 26:2-188
§5 - Approp.
§§6, 7
Note to §§1-5

P.L. 2007, CHAPTER 170, *approved September 12, 2007*
Assembly, No. 2306 (*Second Reprint*)

1 AN ACT ¹[establishing an Autism Registry in the Department of
2 Health and Senior Services] concerning the reporting of autism
3 diagnoses¹, supplementing Title 26 of the Revised Statutes¹,¹
4 and making an appropriation.
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. The Legislature finds and declares that:

10 a. Autism is a developmental disorder of brain function which
11 is typically manifested in impaired social interaction, problems with
12 verbal and nonverbal communication and imagination, and unusual
13 or severely limited activities and interests. These symptoms
14 generally appear during the first three years of childhood and
15 continue throughout life, often taking devastating emotional and
16 financial tolls on the family of the autistic child¹ **[.]**¹

17 b. ¹**[**Best estimates indicate that one in 500 children born in the
18 State will be diagnosed with an autism spectrum disorder and that
19 12,000 individuals in the State have autism or an autism spectrum
20 disorder. However, these numbers may be understated because of
21 current diagnostic procedures and reporting requirements.**]**
22 According to the federal Centers for Disease Control and
23 Prevention, or CDC, one of every 94 children in this State has
24 autism, which is the highest rate among the states examined by the
25 CDC in the most comprehensive study of the prevalence of autism
26 to date;

27 c.¹ There is a clear need for greater accuracy in reporting as well
28 as for information on the epidemiologic data on the incidence and
29 prevalence of autism in this State¹ **[.]**; and¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABU committee amendments adopted March 12, 2007.

²Senate SBA committee amendments adopted June 14, 2007.

1 **'[c.] d.'**¹ The State currently requires that a number of other
2 conditions, including cancer and certain birth defects, be reported
3 and maintained in a central registry. A similar **'[registry]**
4 **requirement**¹ for **reporting diagnoses of**¹ autism **and maintaining a**
5 **registry of that information**¹ is needed to improve current
6 knowledge and understanding of autism, to conduct thorough and
7 complete epidemiologic surveys of the disorder, to enable analysis
8 of this problem^{1,1} and to plan for and provide services to children
9 with autism and their families.

10
11 2. a. A physician, psychologist^{1,1} and any other health care
12 professional licensed pursuant to Title 45 of the Revised Statutes
13 who is qualified by training to make the diagnosis and who then
14 makes the diagnosis that a child is affected with autism shall report
15 this diagnosis to the Department of Health and Senior Services in a
16 form and manner prescribed by the Commissioner of Health and
17 Senior Services.

18 b. The report shall be in writing and shall include the name and
19 address of the person submitting the report, the name, age^{1,1} ²place
20 of birth,² and address of the child diagnosed as having autism, and
21 other pertinent information as may be required by the
22 commissioner¹; except that, if the child's parent or guardian objects
23 to the reporting of the child's diagnosis for any reason, the report
24 shall not include any information that could be used to identify the
25 child.

26 c. The commissioner shall specify procedures for the health
27 care professional to inform the child's parent or guardian of the
28 requirements of subsections a. and b. of this section and the purpose
29 served by including this information in a registry pursuant to
30 section 3 of this act, as well as the parent's or guardian's right to
31 refuse to permit the reporting of any information that could be used
32 to identify the child¹.

33
34 3. The Department of Health and Senior Services, in consultation
35 with the Department of Human Services, shall **'[establish and]'**¹
36 maintain an up-to-date registry which shall include a record of ^{2,2}
37 all reported cases of autism that occur in New Jersey ²; each
38 reported case of autism that occurs in New Jersey in which the
39 initial diagnosis is changed, lost, or considered misdiagnosed;² and
40 any other information it deems relevant and appropriate in order to
41 conduct thorough and complete epidemiologic surveys of autism, to
42 enable analysis of this problem and to plan for and provide services
43 to children with autism and their families.

44
45 4. a. The reports made pursuant to this act are to be used only
46 by the Department of Health and Senior Services and other agencies
47 as may be designated by the Commissioner of Health and Senior

1 Services, including the Department of Human Services, and shall
2 not otherwise be divulged or made public so as to disclose the
3 identity of any person to whom they relate; and, to that end, the
4 reports shall not be included under materials available to public
5 inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
6 P.L.2001, c.404 (C.47:1A-5 et al.).

7 b. A physician, psychologist^{1,1} or health care professional
8 providing information to the department in accordance with this act
9 shall not be deemed to be, or held liable for, divulging confidential
10 information.

11 c. Nothing in this act shall be construed to compel a child who
12 has been reported as affected with autism to submit to medical or
13 health examination or supervision by the department.

14
15 5. There is appropriated from the General Fund to the
16 Department of Health and Senior Services \$500,000 to effectuate
17 the purposes of this act.

18
19 6. The Commissioner of Health and Senior Services shall adopt
20 rules and regulations pursuant to the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
22 purposes of this act.

23
24 7. This act shall take effect ¹~~【90 days】~~ on the 180th day¹ after
25 enactment, but the Commissioner of Health and Senior Services
26 may take such anticipatory administrative action in advance as shall
27 be necessary for the implementation of this act.

28
29
30 _____
31
32 Requires DHSS to maintain registry of reported autism
33 diagnoses; appropriates \$500,000.00.

ASSEMBLY, No. 2306

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 6, 2006

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Holzapel, Wolfe, Baroni, Epps, Assemblywomen Quigley, Greenstein, Assemblyman Gordon, Assemblywoman Stender, Assemblymen Manzo, Munoz, Conaway, Scalera, Greenwald, Blee, Burzichelli, Steele and Payne

SYNOPSIS

Establishes Autism registry in DHSS; appropriates \$500,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/13/2007)

1 AN ACT establishing an Autism Registry in the Department of
2 Health and Senior Services, supplementing Title 26 of the
3 Revised Statutes and making an appropriation.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. Autism is a developmental disorder of brain function which is
10 typically manifested in impaired social interaction, problems with
11 verbal and nonverbal communication and imagination, and unusual
12 or severely limited activities and interests. These symptoms
13 generally appear during the first three years of childhood and
14 continue throughout life, often taking devastating emotional and
15 financial tolls on the family of the autistic child.

16 b. Best estimates indicate that one in 500 children born in the
17 State will be diagnosed with an autism spectrum disorder and that
18 12,000 individuals in the State have autism or an autism spectrum
19 disorder. However, these numbers may be understated because of
20 current diagnostic procedures and reporting requirements. There is a
21 clear need for greater accuracy in reporting as well as for
22 information on the epidemiologic data on the incidence and
23 prevalence of autism in this State.

24 c. The State currently requires that a number of other conditions,
25 including cancer and certain birth defects, be reported and
26 maintained in a central registry. A similar registry for autism is
27 needed to improve current knowledge and understanding of autism,
28 to conduct thorough and complete epidemiologic surveys of the
29 disorder, to enable analysis of this problem and to plan for and
30 provide services to children with autism and their families.

31
32 2. a. A physician, psychologist and any other health care
33 professional licensed pursuant to Title 45 of the Revised Statutes
34 who is qualified by training to make the diagnosis and who then
35 makes the diagnosis that a child is affected with autism shall report
36 this diagnosis to the Department of Health and Senior Services in a
37 form and manner prescribed by the Commissioner of Health and
38 Senior Services.

39 b. The report shall be in writing and shall include the name and
40 address of the person submitting the report, the name, age and
41 address of the child diagnosed as having autism, and other pertinent
42 information as may be required by the commissioner.

43
44 3. The Department of Health and Senior Services, in
45 consultation with the Department of Human Services, shall
46 establish and maintain an up-to-date registry which shall include a
47 record of all reported cases of autism that occur in New Jersey and
48 any other information it deems relevant and appropriate in order to

1 conduct thorough and complete epidemiologic surveys of autism, to
2 enable analysis of this problem and to plan for and provide services
3 to children with autism and their families.

4
5 4. a. The reports made pursuant to this act are to be used only
6 by the Department of Health and Senior Services and other agencies
7 as may be designated by the Commissioner of Health and Senior
8 Services, including the Department of Human Services, and shall
9 not otherwise be divulged or made public so as to disclose the
10 identity of any person to whom they relate; and, to that end, the
11 reports shall not be included under materials available to public
12 inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
13 P.L.2001, c.404 (C.47:1A-5 et al.).

14 b. A physician, psychologist or health care professional
15 providing information to the department in accordance with this act
16 shall not be deemed to be, or held liable for, divulging confidential
17 information.

18 c. Nothing in this act shall be construed to compel a child who
19 has been reported as affected with autism to submit to medical or
20 health examination or supervision by the department.

21
22 5. There is appropriated from the General Fund to the
23 Department of Health and Senior Services \$500,000 to effectuate
24 the purposes of this act.

25
26 6. The Commissioner of Health and Senior Services shall adopt
27 rules and regulations pursuant to the "Administrative Procedure
28 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
29 purposes of this act.

30
31 7. This act shall take effect 90 days after enactment, but the
32 Commissioner of Health and Senior Services may take such
33 anticipatory administrative action in advance as shall be necessary
34 for the implementation of this act.

35

36

37

STATEMENT

38

39 This bill would require physicians, psychologists and any other
40 licensed health care professionals, who by virtue of their training
41 are qualified to make a diagnosis of autism, to report such
42 diagnoses in a form and manner prescribed by the Commissioner of
43 Health and Senior Services. The report is to be in writing and is to
44 include the name and address of the person making the report, as
45 well as the name, age and address of the child diagnosed as having
46 autism and other pertinent information which may be required by
47 the commissioner.

48 The bill would further require the Department of Health and

A2306 MCKEON, ROBERTS

4

1 Senior Services (DHSS), in consultation with the Department of
2 Human Services (DHS), to establish and maintain an up-to-date
3 registry which would include a record of all reported cases of
4 autism that occur in New Jersey along with any other information it
5 deems relevant and appropriate to conducting thorough and
6 complete epidemiologic surveys of autism. The ultimate goal of the
7 registry is to enable analysis of the problem of autism and to plan
8 for and provide services to children with autism and their families.
9 The bill appropriates \$500,00 for purposes of establishing and
10 maintaining the registry.

11 The bill provides that any reports made to the registry are to be
12 used only by DHSS and other agencies as may be designated by the
13 Commissioner of Health and Senior Services, including DHS, and
14 that the reports are not otherwise to be divulged or made public so
15 as to disclose the identity of any person to whom they relate. To
16 that end, the bill stipulates that the reports shall not be included
17 under materials available to public inspection pursuant to
18 N.J.S.A.47:1A-1 et seq. or N.J.S.A.47:1A-5 et al.

19 The bill further states that a physician, psychologist or other
20 licensed health care professional required to report diagnoses of
21 autism to the registry shall not be deemed to be, or held liable for,
22 divulging confidential information. Finally, the bill provides that
23 nothing in the act is to be construed to compel a child who has been
24 diagnosed with autism to submit to medical or health examination
25 or supervision by DHSS.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2306

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Assembly Health and Senior Services Committee reports favorably Assembly Bill No. 2306.

This bill establishes a Statewide autism registry in the Department of Health and Senior Services (DHSS) and provides funding for that purpose.

Specifically, the bill provides as follows:

- A physician, psychologist and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism is to report this diagnosis to DHSS in a form and manner prescribed by the Commissioner of Health and Senior Services.
- The report is to be in writing and include the name and address of the person submitting the report, the name, age and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner.
- DHSS, in consultation with the Department of Human Services, is to establish and maintain an up-to-date registry which includes a record of all reported cases of autism that occur in New Jersey and any other information it deems relevant and appropriate in order to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem and to plan for and provide services to children with autism and their families.
- The reports made pursuant to the bill are to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, including the Department of Human Services, and will not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the reports are not to be included under materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).
- A health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

- Nothing in the bill is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.
- The bill appropriates \$500,000 from the General Fund to DHSS to establish the registry.
- The bill takes effect 90 days after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2306

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 12, 2007

The Assembly Budget Committee reports favorably Assembly Bill No. 2306, with committee amendments.

The bill, as amended, requires the Department of Health and Senior Services (DHSS) to maintain a Statewide registry of autism diagnoses reported under the bill and provides funding for that purpose.

The bill requires a physician, psychologist, and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism to report this diagnosis to DHSS in a form and manner as prescribed by the Commissioner of Health and Senior Services.

The bill requires the report to be in writing and include the name and address of the person submitting the report, the name, age, and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner; except that, if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child.

The bill requires the commissioner to specify procedures for the health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child.

Under the bill, DHSS, in consultation with the Department of Human Services, will maintain an up-to-date registry which includes a record of all reported cases of autism that occur in New Jersey and any other information DHSS deems relevant and appropriate to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem, and to plan for and provide services to children with autism and their families.

The bill allows the reports made pursuant to the bill to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, including the

Department of Human Services, and does not allow the reports to be otherwise divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the bill excludes the reports from the materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

Under the bill, a health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

The bill stipulates that nothing therein is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.

The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Health and Senior Services to take anticipatory administrative action in advance as necessary for its implementation.

COMMITTEE AMENDMENTS:

The committee amendments:

- incorporate updated information about the rate of autism among children in New Jersey in the findings and declarations language of the bill (in section 1);

- stipulate that if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child (in section 2);

- direct the Commissioner of Health and Senior Services to specify procedures for a health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child (in section 2);

- require that DHSS maintain an up-to-date Statewide registry of reported autism diagnoses, without specifying that a new registry be established for the purposes of the bill (in section 3); and

- revise the effective date from 90 days to the 180th day after enactment (in section 7).

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note. The bill appropriates \$500,000 from the General Fund to DHSS to effectuate the purposes of the bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2306

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 2306 (1R).

The bill requires the Department of Health and Senior Services (DHSS) to maintain a Statewide registry of autism diagnoses reported under the bill and provides funding for that purpose.

The bill requires a physician, psychologist, and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism to report this diagnosis to DHSS in a form and manner as prescribed by the Commissioner of Health and Senior Services.

The bill requires the report to be in writing and include the name and address of the person submitting the report, the name, age, and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner; except that, if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child.

The bill requires the commissioner to specify procedures for the health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child.

Under the bill, DHSS, in consultation with the Department of Human Services, will maintain an up-to-date registry which includes a record of all reported cases of autism that occur in New Jersey and any other information DHSS deems relevant and appropriate to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem, and to plan for and provide services to children with autism and their families.

The bill allows the reports made pursuant to the bill to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, including the

Department of Human Services, and does not allow the reports to be otherwise divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the bill excludes the reports from the materials available to public inspections pursuant to N.J.S.A.47:1A-1 et seq. or N.J.S.A.47:1A-5 et al.

Under the bill, a health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

The bill stipulates that nothing therein is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.

The bill appropriates \$500,000 from the General Fund to DHSS to effectuate the purposes of the bill.

This bill is identical to Senate No.2723 (Ciesla), which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2306

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2306 (1R), with committee amendments.

This bill, as amended, requires the Department of Health and Senior Services (DHSS) to maintain a Statewide registry of autism diagnoses reported under the bill and provides funding for that purpose.

The bill requires a physician, psychologist, and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism to report this diagnosis to DHSS in a form and manner as prescribed by the Commissioner of Health and Senior Services.

The amended bill requires the report to be in writing and include the name and address of the person submitting the report, the name, age, place of birth, and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner; except that, if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child.

The bill requires the commissioner to specify procedures for the health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child.

Under the bill, DHSS, in consultation with the Department of Human Services, will maintain an up-to-date registry which includes a record of: all reported cases of autism that occur in New Jersey; each reported case of autism that occurs in New Jersey in which the initial diagnosis is changed, lost, or considered misdiagnosed; and any other information DHSS deems relevant and appropriate to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem, and to plan for and provide services to children with autism and their families.

The bill allows the reports made pursuant to the bill to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, including the Department of Human Services, and does not allow the reports to be otherwise divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the bill excludes the reports from the materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

Under the bill, a health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

The bill stipulates that nothing therein is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.

As amended and reported, this bill is identical to Senate Bill No 2723 as also reported and amended by the committee.

COMMITTEE AMENDMENTS:

The committee amendments make two substantive changes to the provisions of the bill. The first amendment, requires a physician, psychologist, or any other health care professionals who makes an initial diagnosis of autism to include the affected individual's place of birth in the official report submitted to DHSS. The second, expands the up-to-date registry by requiring the department to maintain a record of each reported case of autism that occurs in New Jersey in which the initial diagnosis is changed, lost, or subsequently considered misdiagnosed.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note. The bill appropriates \$500,000 from the General Fund to DHSS to effectuate the purposes of the bill.

SENATE, No. 2723

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 21, 2007

Sponsored by:

Senator ANDREW R. CIESLA
District 10 (Monmouth and Ocean)
Senator DIANE B. ALLEN
District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Weinberg

SYNOPSIS

Requires DHSS to maintain registry of reported autism diagnoses; appropriates \$500,000.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2007)

1 AN ACT concerning the reporting of autism diagnoses, supplementing
2 Title 26 of the Revised Statutes, and making an appropriation.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. Autism is a developmental disorder of brain function which
9 is typically manifested in impaired social interaction, problems with
10 verbal and nonverbal communication and imagination, and unusual
11 or severely limited activities and interests. These symptoms
12 generally appear during the first three years of childhood and
13 continue throughout life, often taking devastating emotional and
14 financial tolls on the family of the autistic child;

15 b. According to the federal Centers for Disease Control and
16 Prevention, or CDC, one of every 94 children in this State has
17 autism, which is the highest rate among the states examined by the
18 CDC in the most comprehensive study of the prevalence of autism
19 to date;

20 c. There is a clear need for greater accuracy in reporting as
21 well as for information on the epidemiologic data on the incidence
22 and prevalence of autism in this State; and

23 d. The State currently requires that a number of other
24 conditions, including cancer and certain birth defects, be reported
25 and maintained in a central registry. A similar requirement for
26 reporting diagnoses of autism and maintaining a registry of that
27 information is needed to improve current knowledge and
28 understanding of autism, to conduct thorough and complete
29 epidemiologic surveys of the disorder, to enable analysis of this
30 problem, and to plan for and provide services to children with
31 autism and their families.

32

33 2. a. A physician, psychologist, and any other health care
34 professional licensed pursuant to Title 45 of the Revised Statutes
35 who is qualified by training to make the diagnosis and who then
36 makes the diagnosis that a child is affected with autism shall report
37 this diagnosis to the Department of Health and Senior Services in a
38 form and manner prescribed by the Commissioner of Health and
39 Senior Services.

40 b. The report shall be in writing and shall include the name and
41 address of the person submitting the report, the name, age, and
42 address of the child diagnosed as having autism, and other pertinent
43 information as may be required by the commissioner; except that, if
44 the child's parent or guardian objects to the reporting of the child's
45 diagnosis for any reason, the report shall not include any
46 information that could be used to identify the child.

47 c. The commissioner shall specify procedures for the health
48 care professional to inform the child's parent or guardian of the

1 requirements of subsections a. and b. of this section and the purpose
2 served by including this information in a registry pursuant to
3 section 3 of this act, as well as the parent's or guardian's right to
4 refuse to permit the reporting of any information that could be used
5 to identify the child.

6
7 3. The Department of Health and Senior Services, in
8 consultation with the Department of Human Services, shall
9 maintain an up-to-date registry which shall include a record of all
10 reported cases of autism that occur in New Jersey and any other
11 information it deems relevant and appropriate in order to conduct
12 thorough and complete epidemiologic surveys of autism, to enable
13 analysis of this problem and to plan for and provide services to
14 children with autism and their families.

15
16 4. a. The reports made pursuant to this act are to be used only
17 by the Department of Health and Senior Services and other agencies
18 as may be designated by the Commissioner of Health and Senior
19 Services, including the Department of Human Services, and shall
20 not otherwise be divulged or made public so as to disclose the
21 identity of any person to whom they relate; and, to that end, the
22 reports shall not be included under materials available to public
23 inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or
24 P.L.2001, c.404 (C.47:1A-5 et al.).

25 b. A physician, psychologist, or health care professional
26 providing information to the department in accordance with this act
27 shall not be deemed to be, or held liable for, divulging confidential
28 information.

29 c. Nothing in this act shall be construed to compel a child who
30 has been reported as affected with autism to submit to medical or
31 health examination or supervision by the department.

32
33 5. There is appropriated from the General Fund to the
34 Department of Health and Senior Services \$500,000 to effectuate
35 the purposes of this act.

36
37 6. The Commissioner of Health and Senior Services shall adopt
38 rules and regulations pursuant to the "Administrative Procedure
39 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the
40 purposes of this act.

41
42 7. This act shall take effect on the 180th day after enactment,
43 but the Commissioner of Health and Senior Services may take such
44 anticipatory administrative action in advance as shall be necessary
45 for the implementation of this act.

1 STATEMENT

2

3 This bill requires the Department of Health and Senior Services
4 (DHSS) to maintain a Statewide registry of autism diagnoses
5 reported under the bill and provides funding of \$500,000 for that
6 purpose.

7 The bill requires a physician, psychologist, and any other health
8 care professional licensed pursuant to Title 45 of the Revised
9 Statutes who is qualified by training to make the diagnosis and who
10 then makes the diagnosis that a child is affected with autism to
11 report this diagnosis to DHSS in a form and manner as prescribed
12 by the Commissioner of Health and Senior Services.

13 The bill requires the report to be in writing and include the name
14 and address of the person submitting the report, the name, age, and
15 address of the child diagnosed as having autism, and other pertinent
16 information as may be required by the commissioner; except that, if
17 the child's parent or guardian objects to the reporting of the child's
18 diagnosis for any reason, the report is not to include any
19 information that could be used to identify the child.

20 The bill requires the commissioner to specify procedures for the
21 health care professional to inform the child's parent or guardian of
22 the reporting requirement and the purpose served by including this
23 information in a registry pursuant to this bill, as well as the parent's
24 or guardian's right to refuse to permit the reporting of any
25 information that could be used to identify the child.

26 Under the bill, DHSS, in consultation with the Department of
27 Human Services, will maintain an up-to-date registry which
28 includes a record of all reported cases of autism that occur in New
29 Jersey and any other information DHSS deems relevant and
30 appropriate to conduct thorough and complete epidemiologic
31 surveys of autism, to enable analysis of this problem, and to plan
32 for and provide services to children with autism and their families.

33 The bill allows the reports made pursuant to the bill to be used
34 only by DHSS and other agencies as may be designated by the
35 Commissioner of Health and Senior Services, including the
36 Department of Human Services, and does not allow the reports to be
37 otherwise divulged or made public so as to disclose the identity of
38 any person to whom they relate; and, to that end, the bill excludes
39 the reports from the materials available to public inspections
40 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404
41 (C.47:1A-5 et al.).

42 Under the bill, a health care professional providing information
43 to DHSS in accordance with the bill will not be deemed to be, or
44 held liable for, divulging confidential information.

45 The bill stipulates that nothing therein is to be construed to
46 compel a child who has been reported as affected with autism to
47 submit to medical or health examination or supervision by DHSS.

S2723 CIESLA, ALLEN

5

1 The bill takes effect on the 180th day after enactment, but
2 authorizes the Commissioner of Health and Senior Services to take
3 anticipatory administrative action in advance as necessary for its
4 implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2723

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2723.

The bill requires the Department of Health and Senior Services (DHSS) to maintain a Statewide registry of autism diagnoses reported under the bill and provides funding for that purpose.

The bill requires a physician, psychologist, and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism to report this diagnosis to DHSS in a form and manner as prescribed by the Commissioner of Health and Senior Services.

The bill requires the report to be in writing and include the name and address of the person submitting the report, the name, age, and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner; except that, if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child.

The bill requires the commissioner to specify procedures for the health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child.

DHSS, in consultation with the Department of Human Services, is to maintain an up-to-date registry which includes a record of all reported cases of autism in New Jersey and any other information DHSS deems relevant and appropriate to conduct epidemiologic surveys of autism, analyze this problem, and plan for and provide services to children with autism and their families.

The bill allows the reports made pursuant to the bill to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, and does not allow the reports to be otherwise divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the bill

excludes the reports from the materials available to public inspections pursuant to N.J.S.A. 47:1A-1 et seq. or N.J.S.A. 47:1A-5 et al.

Under the bill, a health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

The bill stipulates that nothing therein is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.

The bill appropriates \$500,000 from the General Fund to DHSS to effectuate the purposes of the bill.

This bill is identical to Assembly No. 2306 (1R) (McKeon/Roberts/Albano/Voss), which the committee also reported favorably on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2723

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2723, with committee amendments.

This bill, as amended, requires the Department of Health and Senior Services (DHSS) to maintain a Statewide registry of autism diagnoses reported under the bill and provides funding of \$500,000 for that purpose.

The bill requires a physician, psychologist, and any other health care professional licensed pursuant to Title 45 of the Revised Statutes who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism to report this diagnosis to DHSS in a form and manner as prescribed by the Commissioner of Health and Senior Services.

The amended bill requires the report to be in writing and include the name and address of the person submitting the report, the name, age, place of birth, and address of the child diagnosed as having autism, and other pertinent information as may be required by the commissioner; except that, if the child's parent or guardian objects to the reporting of the child's diagnosis for any reason, the report is not to include any information that could be used to identify the child.

The bill requires the commissioner to specify procedures for the health care professional to inform the child's parent or guardian of the reporting requirement and the purpose served by including this information in a registry pursuant to this bill, as well as the parent's or guardian's right to refuse to permit the reporting of any information that could be used to identify the child.

Under the bill, DHSS, in consultation with the Department of Human Services, will maintain an up-to-date registry which includes a record of: all reported cases of autism that occur in New Jersey; each reported case of autism that occurs in New Jersey in which the initial diagnosis is changed, lost, or considered misdiagnosed; and any other information DHSS deems relevant and appropriate to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem, and to plan for and provide services to children with autism and their families.

The bill allows the reports made pursuant to the bill to be used only by DHSS and other agencies as may be designated by the Commissioner of Health and Senior Services, including the Department of Human Services, and does not allow the reports to be otherwise divulged or made public so as to disclose the identity of any person to whom they relate; and, to that end, the bill excludes the reports from the materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

Under the bill, a health care professional providing information to DHSS in accordance with the bill will not be deemed to be, or held liable for, divulging confidential information.

The bill stipulates that nothing therein is to be construed to compel a child who has been reported as affected with autism to submit to medical or health examination or supervision by DHSS.

As reported, this bill is identical to Assembly Bill No 2306 (1R) as also reported and amended by the committee.

COMMITTEE AMENDMENTS:

The committee amendments make two substantive changes to the provisions of the bill. The first amendment, requires a physician, psychologist, or any other health care professionals who makes an initial diagnosis of autism to include the affected individual's place of birth in the report submitted to DHSS. The second, expands the up-to-date registry by requiring the department to maintain a record of each reported case of autism that occurs in New Jersey in which the initial diagnosis is changed, lost, or subsequently considered misdiagnosed.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note. The bill appropriates \$500,000 from the General Fund to DHSS to effectuate the purposes of the bill.

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Sep-12-07 Governor Corzine Signs Bills On Autism

NEWS RELEASE

Governor Jon S. Corzine
September 12, 2007

FOR MORE INFORMATION:

Press Office
609-777-2600

GOVERNOR CORZINE SIGNS BILLS ON AUTISM

West Windsor - Governor Jon S. Corzine today signed a package of seven bills relating to autism spectrum disorders. These disorders are often characterized by substantial impairments in social interaction and communication and the presence of unusual behaviors and interests.

“Today, we are enhancing New Jersey’s pioneer status in the fight against autism spectrum disorders by bolstering our arsenal of programs, training, education, and research,” said Governor Jon S. Corzine. “This is an opportunity for New Jersey to become a model for other states in researching the nature of autism and its causes as well as in treating those with these disorders.

“More importantly, through these initiatives, we will be enabling those impacted by autism spectrum disorders to function as independent, productive, and empowered individuals.”

The rate and diagnosis of autism spectrum disorders in New Jersey is disproportionately high. While experts estimate the national rate has increased to about 1 in 150 children, the incidence in New Jersey is approximately 1 in 95.

“With new studies showing New Jersey with the highest reported autism rates in the country, it is critically important that the state do all it can to help the growing number of individuals and families confronting autism spectrum

disorders,” said Assembly Speaker Joseph J. Roberts, Jr. (D-Camden) who championed the legislative effort to improve the detection, treatment and awareness of autism in New Jersey.

“For families whose loved ones are locked in the grasp of this disorder, today’s action sends a reassuring message of hope that New Jersey is working to do more to improve its safety net of services and care,” Roberts said. “These measures will enable New Jersey to address the startling number of children being diagnosed with autism and they will allow us to extend a helping hand to countless autistic young adults and others who have aged out of the state’s special education system.”

“A diagnosis of autism or developmental disability presents real challenges for parents and caregivers,” said Senator Ellen Karcher (D-Mercer/Monmouth). “While the medical community seeks to find answers to the causes of autism and developmental disability, states have an obligation to promote programs which help those living with the disability. These new lifesaving laws will help families deal with the hardships of caring for individuals with autism.”

“According to federal statistics, New Jersey has the highest number of autism cases in the nation,” said Senator Loretta Weinberg, (D-Bergen). “We are still learning about the autism spectrum disorders, but while we are learning, we must be able to provide much-needed assistance to families living with autism. As the number of residents living with autism increases, we must have the resources in place to provide them with support programs and work to find ways to decrease the incidence of autism in New Jersey.”

The Governor signed A4055/S2558, providing for teacher training in awareness and instruction methods for students with autism and other developmental disabilities for candidates for teaching certificates, current teachers and paraprofessionals. The Commissioner of Education will develop recommendations to address a variety of issues including the characteristics of students with autism and other developmental disabilities; curriculum planning, assistive technology; and inclusive educational practices.

“In a state with high autism rates, it’s imperative that educators have the tools to recognize autism and help children with this confounding disorder,” said Assemblyman Jim Whelan (D-Atlantic), a veteran teacher with a master’s in education. “Teachers are an untapped resource in this state’s growing efforts to help children and adults with autism.”

Other primary bill sponsors in the Assembly were: Assemblywoman Valerie Vainieri Huttle (District 37) and Assemblywoman Joan Voss (District 38). Primary Senate sponsors were: Senator Loretta Weinberg (District 37) and Senator Ellen Karcher (District 12).

Governor Corzine also signed A4056/S2568, requiring the Early Intervention Program in the Department of Health and Senior Services to address the specific needs of children with autism spectrum disorders and their families. These activities involve developing guidelines for health care professionals to use in evaluating infants and toddlers for autism, ensuring the timely referral by health care professionals of infants and toddlers suspected of being on the autism spectrum to the Early Intervention Program and collecting data on statewide autism screening, diagnosis, and intervention programs and systems.

“By establishing comprehensive guidelines for New Jersey pediatricians to use in the evaluation and referral of autistic children, we can ensure appropriate treatment for infants and toddlers as soon as possible,” said Assemblyman Herb Conaway, M.D. (D-Burlington/Camden). “For autistic children, early detection is the key to ensuring proper care.”

Other primary bill sponsors in the Assembly were: Assemblyman Michael Panter (District 12); Assemblywoman Valerie Vainieri Huttle (District 37) and Assemblyman Lou Greenwald (District 6). Primary Senate sponsors were: Senator Loretta Weinberg (District 37) and Senator Ellen Karcher (District 12)

Governor Corzine signed A4057/S2559, establishing the New Jersey Adults with Autism Task Force in the Department of Human Services (DHS). The purpose of the task force is to study, evaluate, and develop recommendations relating to specific actionable measures to support and meet the needs of adults with autism. These include job training and placement, housing, and long-term care.

“New Jersey faces new challenges created by the rise in adults classified with autism including the need for job training

and placement, housing and long-term care,” said Assemblyman Gary Schaer (D-Passaic/Bergen/Essex). “It’s critical that we strengthen the community of support for adults living with this lifelong disease.”

Other primary Assembly sponsors were: Assemblywoman Joan Voss (District 38) and Assemblyman John McKeon (District 27). Primary sponsors in the Senate were: Senator Loretta Weinberg (District 37) and Senator Ellen Karcher (District 12).

In addition, Governor Corzine signed S/698A4054, which makes changes to the Governor's Council for Medical Research and Treatment of Infantile Autism, renaming it the Governor's Council for Medical Research and Treatment of Autism.

“There are going to be new challenges created by a growing number of adults who are being classified with autism,” said Assemblywoman Joan Voss (D-Bergen). “The numbers clearly indicate that we need to step up our efforts to help the thousands of families in this state that have loved ones with autism disorders.”

Other primary sponsors in the Assembly were: Assemblyman Gary Schaer (District 36); and Assemblyman John McKeon (District 27). Primary sponsors in the Senate were: Senator Loretta Weinberg (District 37) and Senator Joe Vitale (District 19).

Governor Corzine signed A4059/S2569, extending funding for autism medical research and treatment. The bill eliminates the five-year “sunset” for the \$1 surcharge established under P.L.2003, c.144 for each motor vehicle fine and penalty imposed by the court, which is deposited in the “Autism Medical Research and Treatment Fund.” The fund provides the financial support funding for the grant and contract awards of the Governor’s Council for Medical Research and Treatment of Autism.

“More than ever, New Jersey needs to muster more attention and resources to help families, school districts, communities, and health care providers deal with the challenge of rising autism diagnosis rates,” said Assemblyman David Mayer (D-Gloucester/Camden).

Other primary Assembly sponsors were: Assemblywoman Joan Voss (District 38); Assemblyman Jim Whelan (District 2) and Assemblyman Lou Greenwald (District 6). Primary Senate sponsors were Senator Loretta Weinberg (District 37) and Senator Joseph Coniglio (District 38).

The Governor also signed A2306/S2723 requiring the Department of Health and Senior Services (DHSS) to maintain a registry of reported autism diagnoses. The DHSS, in consultation with the Department of Human Services, will maintain an up-to-date registry to include a record of all reported cases of autism that occur in New Jersey; each reported case of autism in which the initial diagnosis is changed, lost, or considered misdiagnosed; and any other information DHSS deems relevant and appropriate to conduct thorough and complete epidemiologic surveys of autism, to enable analysis of this problem, and to plan for and provide services to children with autism and their families.

“New Jersey has the nation’s highest reported rates of autism and this presents new challenges for families, schools and our state’s health-care network,” said John Assemblyman McKeon (D-Essex). “This registry will serve as an invaluable tool for the state to monitor autism cases while ensuring that New Jersey continues to provide services to meet the needs of the state’s growing autism community.”

Other primary bill sponsors in the Assembly were Assemblyman Nelson Albano (District 1) and Assemblywoman Joan Voss (District 38). Primary sponsors in the Senate were: Senator Andrew Ciesla (District 10) and Senator Diane Allen (District 7).

Governor Corzine also signed A2291/S690, which establishes an Asperger's Syndrome Pilot Initiative in the Department of Human Services. The initiative will provide vocational, educational and social training services to persons with Asperger's Syndrome. This will be accomplished through community-based service sites which offer appropriate support; guidance and education that will enable these individuals to further their education achieve gainful employment and become broadly competent adults who are able to lead fulfilling lives.

“Asperger’s Syndrome was only recognized in the United States in 1994, 60 years after many European countries confirmed its existence,” said Assemblywoman Joan Voss (D-Bergen), whose adult son has Asperger’s. “There are so many adults and young adults who were misdiagnosed over the years because there wasn’t a correct diagnosis for what was troubling them and there were no programs to meet their needs. This pilot program will be a model to help people with Asperger's acquire the socialization skills they need so they can enjoy productive and happy lives.”

Other primary bill sponsors in the Assembly were: Assemblyman Robert Gordon (District 38) and Assemblyman Eric Munoz (District 21). Primary sponsors in the Senate were: Senator Loretta Weinberg (District 37) and Senator Ellen Karcher (District 12).

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