

1 HB41
2 107234-4
3 By Representative Ward
4 RFD: Health
5 First Read: 03-FEB-09
6 PFD: 12/10/2008

ACT# 2009-295



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ENROLLED, An Act,

To create the Alabama Interagency Autism Coordinating Council; to provide for the membership and duties of the council; to allow the council to adopt rules for its internal operations; and to establish a lead agency for the council.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Riley Ward Alabama Autism Support Act.

Section 2. The Legislature hereby finds and declares the following:

(1) The Centers for Disease Control estimates that nationally 1 in 150 children have Autism Spectrum Disorder (ASD).

(2) Current studies indicate that ASD can often be detected by the age of three years and in some cases as early as 18 months.

(3) Early intervention can produce improved outcomes.

(4) These complex disorders are usually of lifelong duration and affect multiple aspects of development, learning, and adaptation in the community.

(5) There is an urgent and substantial need to develop and implement a statewide comprehensive, coordinated,

1 multidisciplinary, interagency system of care for individuals
2 with ASD and their families.

3 Section 3. For purposes of this act, the following
4 terms shall have the following meanings:

5 (1) AUTISM SERVICES. Any developmental services that
6 include all of the following:

7 a. Are designed to meet developmental needs of an
8 individual with ASD across the lifespan, including transitions
9 from early intervention to preschool, childhood to
10 adolescence, and adolescence to adulthood.

11 b. Are selected in collaboration with the parents or
12 guardians of children with ASD or adults with ASD.

13 c. Are delivered in inclusive environments, to the
14 extent practical.

15 d. Are part of a coordinated system of care.

16 (2) AUTISM SPECTRUM DISORDER (ASD). ASD is a
17 developmental disability that causes substantial impairments
18 in social interaction and communication and the presence of
19 unusual behaviors and interests. Many people with ASD have
20 unusual ways of learning, paying attention, and reacting to
21 different sensations. The thinking and learning abilities of
22 people with ASD can vary from gifted to severely challenged.
23 ASD begins before the age of 3 and lasts throughout the life
24 of a person with the disorder. ASD may range from a severe
25 form, called autistic disorder, to a milder form, called

1 Asperger Syndrome. If a child has symptoms of either of these
2 disorders, but does not satisfy the specific criteria for
3 either, the diagnosis is called Pervasive Developmental
4 Disorder Not Otherwise Specified (PDD-NOS).

5 (3) COORDINATED SYSTEM OF CARE. The total effort in
6 the state, inclusive of service coordination/case management,
7 that is directed at meeting the needs of individuals with ASD
8 and their families. Such a system promotes the full potential
9 of individuals with ASD across their lifespan.

10 (4) COUNCIL. The Alabama Interagency Autism
11 Coordinating Council.

12 (5) LEAD AGENCY. A participating agency designated
13 to be the lead agency for the council.

14 (6) PARTICIPATING AGENCY. A department, commission,
15 council, board, division, community service provider, or an
16 office or other entity which may provide services to
17 individuals with ASD and their families including, but not
18 limited to, the following:

19 a. The Alabama Department of Children's Affairs,
20 including the Office of School Readiness and the Head Start
21 Program.

22 b. The Alabama Institute for Deaf and Blind.

23 c. The Alabama Department of Education.

24 d. The Alabama Department of Human Resources.

25 e. The Alabama Department of Insurance.

1 f. The Alabama Department of Mental Health and
2 Mental Retardation.

3 g. The Alabama Department of Public Health.

4 h. The Alabama Department of Rehabilitation
5 Services.

6 i. The Alabama Medicaid Agency.

7 j. The University Center of Excellence in
8 Developmental Disabilities Education, Research, and Service.

9 k. Universities of higher education.

10 l. The Autism Society of Alabama.

11 m. The Alabama Council on Developmental
12 Disabilities.

13 (7) POLICIES. Directives by the lead agency,
14 participating agencies, the executive committee, or other
15 written documents that represent the position of the council
16 concerning any matter within the purview of this act.

17 (8) SERVICE PROVIDER. Any individual, other than a
18 physician licensed to practice medicine, or public or private
19 agency which does any of the following:

20 a. Consults with or provides services to individuals
21 with ASD, the parents or guardians of individuals with ASD, or
22 both.

23 b. Consults with or provides services to other ASD
24 service providers.

1 c. Assists parents or guardians of individuals with
2 ASD and others to provide services.

3 d. The term service provider shall not include nor
4 refer to a physician licensed to practice medicine.

5 Section 4. (a) The composition of the council shall
6 reflect the racial, gender, geographic, urban and rural, and
7 economic diversity of the state and shall include all of the
8 following:

9 (1) Three adult individuals with ASD, appointed by
10 the Governor.

11 (2) Three individuals who are the parent or guardian
12 of a child with ASD, appointed by the Governor.

13 (3) Five individuals who are service providers,
14 appointed by the Governor.

15 (4) One member of the Senate, appointed by the
16 President of the Senate.

17 (5) One member of the House of Representatives,
18 appointed by the Speaker of the House.

19 (6) The chief executive officer, or his or her
20 designee, of each of the following participating agencies:

21 a. The Alabama Department of Children's Affairs.

22 b. The Alabama Institute for Deaf and Blind.

23 c. The Alabama Department of Education.

24 d. The Alabama Department of Human Resources.

25 e. The Alabama Department of Insurance.

1 f. The Alabama Department of Mental Health and
2 Mental Retardation.

3 g. The Alabama Department of Public Health.

4 h. The Alabama Department of Rehabilitation
5 Services.

6 i. The Alabama Medicaid Agency.

7 j. The University Center of Excellence in
8 Developmental Disabilities Education, Research, and Service.

9 k. The Autism Society of Alabama.

10 l. The Alabama Council on Developmental
11 Disabilities.

12 m. The Alabama Academy of Pediatrics.

13 (b) The chief executive officers of state agencies
14 serving on the council shall serve ex officio.

15 (c) Initial terms of appointed members of the
16 council shall be staggered. Subsequent terms shall be for
17 three years.

18 (d) The council shall meet at least quarterly and
19 the meetings shall be open to the public.

20 (e) No member of the council shall cast a vote on
21 any matter which would provide direct financial benefit to
22 that member or otherwise give the appearance of a conflict of
23 interest under state law.

24 (f) The Governor shall appoint the chair of the
25 council from among the membership.

1 (g) The Governor shall designate the lead agency for
2 the council upon recommendation of the council.

3 Section 5. The council shall have the following
4 duties and authority:

5 (1) To make recommendations to the Governor
6 regarding the designation of the lead agency.

7 (2) To define the roles and responsibilities of all
8 participating agencies.

9 (3) To adopt rules for the internal operation of the
10 council.

11 (4) To recommend to the Governor the appointment of
12 additional members to serve on the council as deemed necessary
13 and appropriate.

14 (5) To develop a long-term plan, reviewed annually,
15 for a comprehensive statewide system of care, which, to the
16 extent practical, is derived from scientific based research
17 and nationally recognized best practices. The council shall
18 provide a copy of the plan and a detailed summary of any
19 progress toward implementation of the plan to the Governor and
20 the Legislature on or before the 10th legislative day of each
21 regular session. The plan should include, but not be limited
22 to, all of the following:

23 a. The identification of barriers such as
24 duplicative or fragmented policies which may require
25 modification.

1 b. The development of a coordinated program of
2 services.

3 c. A comprehensive fiscal review, analysis, and
4 recommendations for state spending on programs and services
5 for ASD.

6 d. The identification of annual action steps toward
7 implementation.

8 (6) To ensure interagency collaboration, public
9 participation, and mutual sharing of information to facilitate
10 policy decisions and the implementation of a plan for a
11 comprehensive statewide system of care to individuals with
12 ASD.

13 Section 6. The lead agency shall be responsible for
14 the general administration, supervision, and monitoring of all
15 council activities.

16 Section 7. The implementation of this act shall be
17 subject to the availability of appropriations to expand,
18 intensify, and coordinate the activities of the council and
19 members of the council.

20 Section 8. Nothing in this act shall be construed as
21 authorizing or allowing the establishment of any medical rule,
22 regulation, policy, protocol, regimen, practice, or medical
23 standard of care.

1 Section 9. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Raymond J. Harris

Speaker of the House of Representatives

Jim Folsom

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-FEB-09.

Greg Pappas
Clerk

Senate

16-APR-09

Passed

APPROVED *April 23, 2009*

TIME *1:00 p.m.*

Bob Riley
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2009-295
Bill Num....: H-41

Recv'd 04/23/09 01:56pmJJB