

## CHAPTER 170

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

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

C.26:2-185 Findings, declarations relative to reporting of autism diagnoses.

1. The Legislature finds and declares that:

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

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

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

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

C.26:2-186 Reporting diagnosis to DHSS.

2. a. 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 shall report this diagnosis to the Department of Health and Senior Services in a form and manner prescribed by the Commissioner of Health and Senior Services.

b. The report shall be in writing and shall 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 shall not include any information that could be used to identify the child.

c. The commissioner shall specify procedures for the health care professional to inform the child's parent or guardian of the requirements of subsections a. and b. of this section and the purpose served by including this information in a registry pursuant to section 3 of this act, 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.

C.26:2-187 Maintenance of up-to-date registry.

3. The Department of Health and Senior Services, in consultation with the Department of Human Services, shall maintain an up-to-date registry which shall include 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 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.

C.26:2-188 Use of reports; immunity for professionals.

4. a. The reports made pursuant to this act are to be used only by the Department of Health and Senior Services and other agencies as may be designated by the Commissioner of Health and Senior Services, including the Department of Human Services, and shall 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 shall not 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.).

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

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

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

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

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

Approved September 12, 2007.