

NOTICE OF PUBLIC MEETING

Notice is hereby given that a public meeting of the Brain Injury Oversight Committee will be held on September 15, 2023, from 1:00 to 3:00 PM and the meeting will be held in person only. The meeting will be held at Madonna Rehabilitation Hospitals Lincoln Campus, 5401 South Street, Lincoln NE 68506. The agenda and meeting materials to be discussed by the committee can be found at <https://www.unmc.edu/aboutus/community-engagement/bioc/index.html>. If members of the public and media have further questions about the meeting, contact Jamie Stahl at (402) 559-6300 or Jamie.stahl@unmc.edu.

The Nebraska Open Meetings Act may be accessed at <https://nebraskalegislature.gov/laws/statutes.php?statute=84-1407>.

BRAIN INJURY OVERSIGHT COMMITTEE MEETING AGENDA

September 15, 2023
1:00 PM to 3:00 PM

- I. Call to order
- II. Open Meetings Act Statement
- III. Introductions and roll call
- IV. Approval of the agenda
- V. Public Comment
- VI. Approval of Minutes of the previous meeting, July 21, 2023
- VII. Vote on revised Committee By-Laws
- VIII. Annual Report from BIA-NE
- IX. Next meeting Feb. 16, 2024, 2024 1:00-3:00 PM in person meeting at Nebraska Health Care Association. NHCA, 1200 Libra Drive, Suite 100, Lincoln, Neb.

Upcoming Meetings:

- Feb. 1, 2024 release notice of NOFO with a deadline of March 15, 2024
 - Feb. 16, 2024 meeting agenda will include
 - Bi-annual report from funding recipient
 - April 19, 2024 meeting agenda will include
 - Vote on fund recipient(s)
 - Vote on Vice-Chair and Secretary positions
 - July 19, 2024 meeting agenda will include
 - Establishing timeline goals for FY 2024-25
 - Manage any other housekeeping needs
 - Sept. 20, 2024 meeting will include
 - Annual report from funding recipient
- X. Adjourn

Brain Injury Oversight Committee Meeting
July 21, 2023, 1:00 pm to 3:00 pm
Health Care Assoc.
1200 Libra Drive
Lincoln, NE

Draft MEETING MINUTES

Public notice of upcoming meetings will be available on the University of Nebraska Medical Center (UNMC) website <https://www.unmc.edu/aboutus/community-engagement/bioc/index.html> at least 10 days before each meeting.

MEMBERS PRESENT: Tiffany Armstrong, Anna Cole, Peggy Reisher, Sheila Kennedy, Shauna Dahlgren, Dr. Kody Moffatt, Caryn Vincent, Lindy Foley, and Dale Johannes

MEMBERS ABSENT: Tom Janousek and Jeff Baker

UNMC STAFF PRESENT: Mike Hrcirik

GUEST: None

CALL TO ORDER

The meeting of the Brain Injury Oversight Committee commenced at 1:02 p.m.

ANNOUNCEMENT OF THE AVAILABILITY OF THE OPEN MEETINGS ACT

Public notification of this meeting was made on the UNMC website and Mike Hrcirik had copies of the open meetings act.

INTRODUCTIONS AND ROLL CALL

Shauna Dahlgren called on each committee member to introduce themselves.

AGENDA APPROVAL

The agenda was reviewed. Dr. Kody Moffatt moved to approve the agenda. Dale Johannes seconded the motion, and the motion was carried out by unanimous consent.

PUBLIC COMMENT

No public members were present.

APPROVAL OF PREVIOUS MEETING MINUTES

The minutes from April 21, 2023, meeting were reviewed. A motion was made by Dr. Kody Moffatt and seconded by Sheila Kennedy to approve the April 21, 2023, meeting minutes. There were no objections to the motion, and it was carried out by unanimous consent.

ESTABLISHING TIMELINE GOALS FOR FY 2023-24

Committee established the following meeting dates for 2024.

- Feb. 1, 2024 release notice of NOFO with a deadline of March 15, 2024
- Feb. 16, 2024 meeting agenda will include
 - Bi-annual report from funding recipient
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 - Vote on fund recipient(s)
 - Vote on Vice-Chair and Secretary positions
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UNMC ANNUAL EXPENSE REPORT FOR BRAIN INJURY OVERSIGHT COMMITTEE EXPENSES JULY 2022 TO JUNE 2023, ESTABLISH BUDGET FOR FY 2023-24

- Mike Hrcirik provided an overview of UNMC's expenses for the Committee's administrative, accounting, and budgeting services for 7-1-22 through 6-30-23. UNMC invoiced the Committee \$30,000 for these expenses. Kody Moffatt made motion and Lindy Foley seconded the motion to pay the invoice Mike Hrcirik provided. There were no objections to the motion, and it was carried out by unanimous consent.
- Mike Hrcirik prepared a report outlining the uses of the funds from July 1, 2022, to June 30, 2023. The report indicates an ending fund balance on June 30, 2023 at \$24,526. Mike also provided a proposed budget for July 1, 2023 to June 30, 2024 based on expenditures from the previous year. Mike explained that there has been an ending balance because UNMC can bill up to \$50,000 for their expenses but they have not incurred that many yearly expenses. The Committee discussed how to use best allocate those funds. Kody Moffatt moved and Dale seconded the motion to use those funds by adding a portion of them to the NOFO that will be released on Feb. 1, 2024 so the total of the NOFO will be \$475,000 vs. \$450,000 as it had been previously. A roll call vote was taken and all committee members voted yes. There were no no votes and no abstentions.

REVIEW BRAIN INJURY OVERSIGHT COMMITTEE BY-LAWS

Workgroup made up of Shauna, Tiffany, and Anna met between the April and July Committee meetings to review the by-laws and make recommendations for modifications. Shauna provided an overview of the recommendations. The Committee agreed that Shauna would send the recommendations to the whole committee after this meeting with the expectation that all committee members review them on their own and provide feedback to Shauna by August 4, 2023. Shauna will then compile and send the recommended revisions to the entire committee for consideration 30 days prior to the next Committee meeting. The goal is to vote on the revised by-laws at the Sept. 15 Committee meeting.

REVIEW OF APPOINTMENT TERMS

- Shauna Dahlgren stated Jeff Baker, Anna Cole, and Kody Moffatt's terms expire in Oct. 2023. Jeff Baker and Kody Moffatt plan to reapply for a second term, as permitted in the by-laws. Anna Cole states she will not reapply now that she is working full-time for BIA-NE. Anna's position on the committee will need to be replaced. However, Shauna Dahlgren states that Lynn in the NE Attorney General's Office has previously advised that a committee member who fulfills their appointed term and remains eligible to serve in that role would continue to serve as a voting member of the committee until the Governor's office appoints someone in that position.
- Shauna Dahlgren stated that the BI Assistance Program's statute states all committee members serving a second term should be serving four years terms. The Governor's office has mistakenly only renewed terms for three years vs. four. Shauna has informed the Governor's office of this discrepancy and is waiting to hear back from them.

NEXT COMMITTEE MEETINGS

Sept. 15, 2023, from 1:00 to 3:00 in person at Madonna Rehabilitation Hospitals Lincoln Campus, 5401 South St. Lincoln, NE 68506.

ADJOURN

A motion was made by Kody Moffatt and seconded by Sheila Kennedy with unanimous consent to adjourn the meeting at 1:56 pm.

Meeting minutes submitted by Peggy Reisher, Brain Injury Oversight Committee Secretary

BRAIN INJURY OVERSIGHT COMMITTEE BYLAWS

ARTICLE ONE – NAME OF COMMITTEE

The name of the committee is the Brain Injury Oversight Committee, hereinafter referred to as the committee.

ARTICLE TWO – AUTHORITY AND PURPOSE

The purpose of the committee, as stated in Nebraska Revised Statute 71-3704, is to:

- Provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury ~~Trust Fund~~.
- Develop criteria for expenditures from the Brain Injury ~~Trust Fund~~.
- Represent the interest of individuals with a brain injury and their families through advocacy, education, training, rehabilitation, research, and prevention.

CONTRACT PRIORITIES: As stated in Nebraska Revised Statute 71-3705, the fund shall be administered through a contract with the University of Nebraska Medical Center for administration, accounting, and budgeting purposes, and used to pay for contracts for assistance for individuals with a brain injury with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.

EXPENDITURE PRIORITIES: As stated in Nebraska Revised Statute 71-3705, expenditures from the fund will include, but not be limited to:

- Resource facilitation. Resource facilitation shall be given priority and made available to provide ongoing support for individuals with a brain injury and their families for coping with brain injuries. Resource facilitation may provide a linkage to existing services and increase the capacity of the state's providers of services to individuals with a brain injury by providing brain-injury-specific information, support, and resources and enhancing the usage of support commonly available in a community. Agencies providing resource facilitation shall specialize in providing services to individuals with a brain injury and their families;
- Voluntary training for service providers in the appropriate provision of services to individuals with a brain injury;
- Follow-up contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act;
- Activities to promote public awareness of brain injury and prevention methods;

- Supporting research in the field of brain injury;
- Providing and monitoring quality improvement processes with standards of care among brain injury service providers; and
- Collecting data and evaluating how the needs of individuals with a brain injury and their families are being met in this state.

ARTICLE THREE - APPOINTMENT AND MEMBERSHIP

The committee shall be appointed by the Governor of Nebraska and comprised of nine public members and the following directors, or their designees: The Commissioner of Education, the Director of the Division of Behavioral Health of the Dept. of Health and Human Services, and the Director of Public Health of the Dept. of Health and Human Services. The Governor shall appoint the nine public members which shall include individuals with a brain injury or family members of individuals with brain injury, a representative of a public or private health-related organization, a representative of a developmental disability advisory or planning group within Nebraska, a representative of service providers for individuals with a brain injury, and a representative of a nonprofit brain injury advocacy organization. At least one member of the committee shall be appointed from each congressional district.

CONFLICTS OF INTEREST: The Chairperson shall cause members to report any known potential conflicts of interest in written statements kept and monitored by the Secretary. Additionally, when a vote arises before the committee that presents a real or perceived conflict of interest, this conflict will be identified, and the Chairperson shall decide whether the member may participate in the vote. In the case that the Chairperson has a conflict of interest, he/she will report that to the Vice-Chairperson, and the Vice-Chairperson shall decide whether the member may participate in the vote. In all cases, the public good is the highest concern for the Committee.

RESIGNATION: A member may resign by providing a written statement to the Chairperson who will notify the Governor.

ARTICLE FOUR – LENGTH OF TERM

~~The Governor shall designate the initial terms so that three members serve one-year terms, three members serve two-year terms, and three members serve three-year terms. Their successors shall be appointed for four-year terms. Any vacancy shall be filled from the same category for the remainder of the unexpired term. Through 2024, any member of the committee shall be eligible for reappointment. After 2024, members will serve four-year terms, not to exceed three consecutive terms.~~ The Executive Committee will track committee member terms, communicate with the committee member when their term is up, and confirm whether the member wants to seek reappointment, if they are eligible for reappointment. The Executive Committee shall submit the names to the Governor for reappointment. The member needs to reapply through the Governor’s office.



ARTICLE FIVE – VOTING

QUORUM: A simple majority of committee members present ~~in person or electronically~~ at any called meeting shall be a quorum. If a quorum exists at the beginning of a meeting and members leave during the meeting, causing the loss of quorum, the chair should state the loss of quorum before taking any vote. Other members may also make a point of order about the loss of quorum, but only when other members are not speaking.

In the absence of a quorum, the Executive Committee may take only necessary actions.

VOTING: Issues coming before the committee to be voted upon shall be determined by a simple majority of the members present. Voting by proxy is not allowed.

ARTICLE SIX – MEETINGS

OPEN MEETINGS ACT: The Brain Injury Oversight Committee is subject to the Nebraska Open Meetings Act as outlined in Neb. Rev. Stat. §84-1407 to §84-1414.

~~ELECTRONIC CONFERENCING: When necessary, the committee will work to utilize videoconferencing or teleconferencing to accommodate members who reside outside of the vicinity of the regular meeting locations. Members may be asked to assist in the videoconference arrangements to adhere to statutory requirements.~~

FREQUENCY: The committee shall meet at least four times each calendar year and at any other time as the business of the committee requires. The committee meeting shall take place as determined by the chairperson.

NOTICE: Notice shall be provided to the committee and the general public at least 10 days prior to the scheduled meeting. Public notice of meetings shall be posted on the State Public Events Calendar and the website of the University of Nebraska Medical Center. Notices of meetings shall include the proposed agenda. The contents of the agenda shall comply with the Open Meetings Act. Supporting materials to the meeting will be sent electronically to members and available to the general public upon request to UNMC.

CONDUCT: Meetings shall be conducted in compliance with the Nebraska Open Meetings Act. At least one copy of all reproducible material to be discussed at a meeting shall be available to the public at the meeting. The most recent edition of Roberts Rules of Order shall govern the meeting process.

ATTENDANCE: Any committee member who is absent from ~~either three consecutive meetings or five~~ regular meetings of the committee during any twelve-month period may be asked by the executive committee to submit the reason for such absences in writing. Such reasons shall be reviewed by the committee at its next regular meeting to determine, ~~at its sole discretion, whether this member shall remain on the committee.~~

MINUTES: Minutes of meetings shall conform to the requirements of the Open Meetings Act and shall be published on the UNMC website. Minutes will be taken by the Committee Secretary or his/her appointee if he/she is not available.

EXPENSES: Members may be reimbursed for their actual and necessary expenses incurred in order to attend or participate in committee meetings, activities, or events as allowed by Nebraska statute in sections 81-1174 to 81-1177.

ARTICLE SEVEN – WORKGROUPS

The Chairperson may appoint or otherwise establish ad-hoc and permanent workgroups from the committee to accomplish specific tasks or purposes. Non-members may be added to committees other than the Executive Committee when specialized expertise is needed.

ARTICLE EIGHT – OFFICERS

SELECTION: The Committee shall select a Chairperson, a Vice-Chairperson, and a Secretary, which will serve as the Executive Committee. The Chairperson shall hold office for a three-year term, with the option of holding that office for two terms. The Vice-Chairperson and Secretary positions will not have term limits. Officers shall be nominated from the non-Departmental members roster.

DUTIES: The duties of the officers shall be:

- The Chairperson shall preside at all committee and officer meetings, and perform other duties designated by the committee. The Chairperson shall represent the Committee in working with the University of Nebraska Medical Center.
- The Vice-Chairperson shall act for the Chairperson in his/her absence and perform other duties designated by the committee.
- The Secretary shall act for the Chairperson in absence of the Vice-Chairperson; record and report the minutes of the meeting, attest to the accuracy and completeness of the official records of the committee, and perform other duties designated by the committee.

TERM: Election of officers shall be by vote of the committee annually at its last scheduled meeting of the state fiscal year for the positions of Vice-Chair and Secretary and every three years for the Chairperson position. In case of a vacancy in an office, voting for that position shall be held by the second meeting of the position's vacancy.

ARTICLE NINE – EXECUTIVE COMMITTEE MEETINGS

EXECUTIVE COMMITTEE MEETING: The officers shall be comprised of the Chairperson, Vice-Chairperson, and Secretary.

DUTIES: The officers shall approve proposed agendas for meetings of the committee; may act on matters of immediate necessity or urgency when convening the committee is not feasible; and perform other actions designated by the committee. Actions by the officers shall be recorded in minutes and reported to the entire committee promptly. Such actions shall be ~~included on the agenda of the next regular meeting of the committee to be affirmed by an appropriate vote.~~

ARTICLE TEN – REPORTS

RECORDS: UNMC shall maintain program records as required by the Records Management Act.

ANNUAL REPORT: An annual report will be generated within four months of the end of the UNMC business year and posted to the UNMC website.

DATA COLLECTION BURDEN: Data collection and evaluation shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

PERSONNEL: The committee anticipates having no staff other than contracted services from UNMC.

ARTICLE ELEVEN – ADOPTION

AMENDMENTS: The committee shall review these bylaws at least every three years. Proposed amendments shall be distributed to committee members not less than thirty days prior to the meeting at which a vote on any proposal is scheduled. An affirmative vote of two-thirds of appointed committee members shall be required to approve or amend these bylaws.

ADOPTION: These bylaws were originally adopted at the meeting of the Brain Injury Oversight Committee held on the day of February 25, 202



Chairperson

Secretary

Vice-Chairperson

UNMC Liaison