

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1284

Short Title: Brain Injury Advisory Council. (Public)

Sponsors: Representatives Martin, Hall, Harrell, Farmer-Butterfield (Primary Sponsors);
Dickson, Faison, Glazier, Harrison, Lucas, Ross, Wainwright, and Weiss.

Referred to: Health, if favorable, Appropriations.

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE BRAIN INJURY ADVISORY COUNCIL.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Part 33 of Article 2 of Chapter 143B of the General Statutes reads as
5 rewritten:

6 "Part 33. North Carolina ~~Traumatic~~-Brain Injury Advisory Council.
7 "**§ 143B-216.65. North Carolina ~~Traumatic~~-Brain Injury Advisory Council – creation and**
8 **duties.**

9 There is established the North Carolina ~~Traumatic~~-Brain Injury Advisory Council in the
10 Department of Health and Human Services. The Council shall have duties including the
11 following:

- 12 (1) Review how the term "traumatic brain injury" is defined by State and federal
13 regulations and to determine whether changes should be made to the State
14 definition to include "acquired brain injury" or other appropriate conditions.
15 (2) Promote interagency coordination among State agencies responsible for
16 services and support of individuals that have ~~sustained~~ traumatic brain
17 injury.
18 (3) Study the needs of individuals with traumatic brain injury and their families.
19 (4) Make recommendations to the Governor, the General Assembly, and the
20 Secretary of Health and Human Services regarding the planning,
21 development, funding, and implementation of a comprehensive statewide
22 service delivery system.
23 (5) Promote and implement injury prevention strategies across the State.

24 "**§ 143B-216.66. North Carolina Traumatic Brain Injury Advisory Council –**
25 **membership; quorum; compensation.**

26 (a) The Council shall consist of ~~29 members~~, 22 voting and nine ex officio nonvoting
27 members, appointed as follows:

- 28 (1) Three members by the General Assembly, upon the recommendation of the
29 President Pro Tempore of the Senate, as follows:
30 a. ~~The Executive Director, or designee thereof, of the Brain Injury~~
31 ~~Association of North Carolina.~~ A representative of the NC Medical
32 Society or other organization with interest in brain injury prevention
33 or treatment.
34 b. A nurse with expertise in trauma, neurosurgery, neuropsychology,
35 physical medicine and rehabilitation, or emergency medicine.



- 1 c. ~~A physician with expertise in trauma, neurosurgery,~~
2 ~~neuropsychology, physical medicine and rehabilitation, or emergency~~
3 ~~medicine.~~One at-large member who shall be a veteran or family
4 member of a veteran who has suffered a brain injury.
- 5 (2) Three members by the General Assembly, upon the recommendation of the
6 Speaker of the House of Representatives, as follows:
- 7 a. ~~The Chair of the Board, or designee thereof, of the Brain Injury~~
8 ~~Association of North Carolina.~~One at-large member who may have
9 experience as a school nurse or rehabilitation specialist.
- 10 b. ~~A nurse with expertise in trauma, neurosurgery, neuropsychology,~~
11 ~~physical medicine and rehabilitation, or emergency medicine.~~A
12 representative of the North Carolina Hospital Association or other
13 organization interested in brain injury prevention or treatment.
- 14 c. A physician with expertise in trauma, neurosurgery,
15 neuropsychology, physical medicine and rehabilitation, or emergency
16 medicine.
- 17 (3) ~~Eleven~~Twelve members by the Governor, as follows:
- 18 a. Three survivors of brain injury, one each representing the eastern,
19 central, and western regions of the State.
- 20 b. Three family members of persons with brain ~~injury.~~injury with
21 consideration for geographic representation.
- 22 c. A brain injury service provider in ~~private practice.~~the private sector.
- 23 d. The director of ~~an area program or county program~~ a Local
24 Management Entity of mental health, developmental disabilities, and
25 substance abuse services.
- 26 e. The Executive Director, or designee thereof, of ~~the North Carolina~~
27 ~~Academy of Trial Lawyers.~~North Carolina Advocates for Justice.
- 28 f. ~~The Executive Vice President, or designee thereof, of the North~~
29 ~~Carolina Medical Society.~~The Executive Director, or designee
30 thereof, of the Brain Injury Association of North Carolina.
- 31 g. ~~The President, or designee thereof, of the North Carolina Hospital~~
32 ~~Association.~~The Chair of the Board, or designee thereof, of the Brain
33 Injury Association of North Carolina.
- 34 h. The Executive Director, or designee thereof, of the North Carolina
35 Protection and Advocacy System.
- 36 (4) ~~Eight~~Nine ex officio members by the Secretary of Health and Human
37 Services, ~~one from each of the following:~~as follows:
- 38 a. ~~The Division of Mental Health, Developmental Disabilities, and~~
39 ~~Substance Abuse Services.~~
- 40 b. ~~The~~One member from the Division of Vocational Rehabilitation.
- 41 c. ~~The~~One member from the Council on Developmental Disabilities.
- 42 d. ~~The~~One member from the Division of Medical Assistance.
- 43 e. ~~The~~Two members from the Division of Health Service Regulation.
- 44 f. ~~The~~One member from the Division of Social Services.
- 45 g. ~~The~~One member from the Office of Emergency Medical Services.
- 46 h. ~~The~~One member from the Division of Public Health.
- 47 (5) Two members by the Superintendent of Public Instruction, ~~at least one of~~
48 ~~whom is~~ ex officio, nonvoting, and employed with ~~from~~ the Division of
49 Exceptional Children.
- 50 (6) One member by the Commissioner of ~~Insurance.~~Insurance, or the
51 Commissioner's designee.

1 (7) One member by the Secretary of Administration representing veterans
2 affairs.

3 (b) The terms of the initial members of the Council shall commence October 1, 2003. In
4 his initial appointments, the Governor shall designate four members who shall serve terms of
5 four years, four members who shall serve terms of three years, and three members who shall
6 serve terms of two years. After the initial appointees' terms have expired, all members shall be
7 appointed for a term of four years. No member appointed by the Governor shall serve more
8 than two successive terms.

9 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
10 death, or disability of a member shall be for the balance of the unexpired term. Terms for ex
11 officio, nonvoting members do not expire.

12 (c) The initial chair of the Council shall be designated by the Secretary of the
13 Department of Health and Human Services from the Council members. The chair shall hold
14 this office for not more than four years. Subsequent chairs will be elected by the Council.

15 (d) The Council shall meet quarterly and at other times at the call of the chair. A
16 majority of voting members of the Council shall constitute a quorum.

17 (e) Council members shall be reimbursed for expenses incurred in the performance of
18 their duties in accordance with G.S. 138-5 and G.S. 138-6, as applicable.

19 (f) The Secretary of the Department of Health and Human Services shall provide
20 clerical and other assistance as needed."

21 **SECTION 2.** This act is effective when it becomes law. Each appointment made
22 under G.S. 143B-216.66, as enacted by this act, shall become effective at the expiration of the
23 term of the member serving on the Council prior to the effective date of this act.