

North Dakota Brain Injury Advisory Council
September 21, 2016, 1:30-4:30 p.m.
State Capitol – Pioneer Room

Advisory Council Members Present: Shannon Binstock (chair), Senator Tim Mathern, John Wanecke, Kristine Medeiros, Nan Kennelly, Trina Gress, Joyce Wolter, and Brittany Hunt

Absent: Representative Gail Mooney, Karen Law, Pat Eide

Others Present: Rebecca Quinn, Stacie Dailey, Jeannie Pederson, Arlene Havig, Shila Thorson, Kevin McDonough, Rebecca Haas, Mandy Slag, Kaylen Morast, Melanie Philips, Carrie Cooper

Welcome

Stacie Dailey introduced Shannon Binstock as the chair of the group. Meeting was called to order at 1:35 PM. Shannon Binstock welcomed the group and introductions were made.

A call for additions to the agenda was made by Ms. Binstock. John Wanecke informed the group he would like to discuss a letter he received from an attorney and an e-mail from MABU regarding the brain injury media services.

Review of Minutes

The Brain Injury Advisory Council minutes from the June 15th, 2016 and August 16th, 2016 meeting were reviewed. The date on the August minutes will be changed from the 17th to the 16th and the use of Polycom will be added to reflect all in attendance. A motion to approve with the noted changes was made by Senator Matthern. Kristine Medeiros seconded the motion. The motion passed.

New Member Applications

Three member applications were reviewed by the council. Rebecca Quinn provided information on the reference checks. The council was informed that Lee Redhorse was not able to be contacted. Jeannie Pederson informed the group she would get into contact with him. The council will wait to fill his position until we hear back regarding his interest.

Nan Kennelly made a motion to approve Tracy Barrett for membership to the Council. Trina Gress seconded the motion. The motion passed by all voting members.

The co-chair position was discussed. The application will be sent out to all members including the newly approved member. The council will have until October 21st to fill out the application and send it in.

BI Council Overview

Rebecca Quinn reviewed the handbook which includes the council's mission and vision, bylaws, operating procedures, code of ethics, agendas, and minutes.

Identification of Council Member Terms

According to the adopted bylaws half of the council members will have a four year term and half will have a two year term. Senator Mathern was open to a two or four year term, Kristine Medeiros would like a two year term, John Wanecke would like a four year term, Brittany Hunt is open to a two or four year term, Nan Kenneally would prefer a four year term, Trina Gress would prefer a four year term, Shannon Binstock would prefer a four year term, and Joyce Wolter would prefer a four year term.

Trina Gress motioned to have Shannon Binstock choose what length of term each member will hold based on the preference given by each member. Ms. Binstock will notify the council members after she gets feedback from those who are absent. Senator Mathern seconded the motion. The motioned passed.

Review of Bylaw Changes

Stacie Dailey read the proposed changes to the bylaws which include an added section to remove council members and the removal of the vice chair become chair following the chair's term. The council discussed the changes and additional questions on the bylaws.

Senator Mathern made a motion to amend the Bylaws and Standing Rules section B to read "Bylaws of the council can be amended after proper notice has been provided and a meeting is held to read the bylaws followed by two thirds vote of the existing council membership. In addition, section C will be changed to B." Trina seconded the motion. The motion passed.

The bylaws will be read during the December meeting for final approval.

Legislative Talking Points and Bill Drafts

Rebecca Quinn presented a handout (Attachment A) with talking points regarding national information and the findings from the 2016 ND Brain Injury Needs Assessment. The council reviewed the handout and provided feedback such as changing the wording of number three from the findings of the needs assessment, taking off how to donate to NDBIN, reducing the words to make it easier to digest, including visuals, and addressing the need for individuals with a brain injury who are high functioning. Shannon Binstock requested the formation of a sub-committee to formalize talking points. John Wanecke, Brittany Hunt, Kristine Medeiros, Rebecca Quinn, and Shannon Binstock volunteered. Brittany Hunt agreed to chair the sub-committee.

Senator Mathern has requested Legislative Council to develop a bill draft to formalize the Brain Injury Advisory Council as a Governor's Council.

Trina Gress brought forward a question from the Brain Injury Providers Coalition. She asked the Council if a bill draft will be developed to change the definition of brain injury. The council reviewed the current definition. Senator Mathern asked what the Providers Coalition discussed in regards to the definition. Ms. Gress reported the providers would like the language to be clear because as written, it is confusing. The providers do not have a recommendation for changing it at this time. Trina Gress suggested a sub-committee to

draft a bill for the definition. Senator Mathern requested the Providers Coalition develop suggested language for the definition of brain injury and bring to the council for consideration at the next meeting. Senator Mathern requested the council members be invited to the Providers Coalition. Rebecca Quinn volunteered to bring example definitions to the Providers Coalition meeting.

Senator Mathern made a motion that the council ask the Providers Coalition to have a meeting at which time they consider their preferred definition for brain injury in the Century Code and at that time the ND Brain Injury Council is invited and the recommendation is brought back to the next council meeting. Nan Kennelly seconded the motion. The motion passed.

Brain Injury Media Services Update

Stacie Dailey updated the council on the focus groups that were conducted to test the messaging. The council was informed that the report should be done hopefully by next week. The council requested the focus group report once it is received.

Addition to the Agenda

John Wanecke discussed the media services tagline stating “it bothers me.” He passed out a letter from a law firm (Attachment B) and an e-mail from MABU (Attachment C). Stacie Dailey discussed procurement rules and the need to follow the RFP, proposal submitted by KK Bold, and the contract that was signed. The group was informed of the bylaws and the need to have council approval prior to speaking on behalf of the council. The timeline of the media services was discussed. The council discussed the need to move forward and support the efforts.

Shannon Binstock requested council members to make a list of services provided to individuals with a brain injury and identify what works and what doesn't work.

Trina Gress made a motion to adjourn the meeting. Kristine Medeiros seconded the motion. The motion passed.

Next Meeting Date – December 21st, 2016 (1:30 – 4:30) PolyCom will be available

Agenda Items for the next meeting –

- Reading of amended bylaws
- Review of brain injury talking points
- Review of proposed brain injury definition
- Media services update

If members have any agenda items they would like to add please send them to Stacie Dailey at sdailey@nd.gov

Adjourned at 4:25pm



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Brain Injury Does Not Discriminate

Brain injury can happen to anyone, anywhere at any time.

Persons with brain injury are infants, children, youth, young and middle-aged adults – including veterans, and older adults. There is no way to prepare for a brain injury; it is by definition a life altering event.

Brain injury is a leading cause of disability in the US.

Brain Injury is defined as an injury to the brain which occurs after birth and which is acquired through traumatic or non-traumatic insults. North Dakota's definition does not include hereditary, congenital, non-traumatic encephalopathy, non-traumatic aneurysm, stroke, or degenerative brain disorders or injuries induced by birth trauma.

Brain Injury is often invisible.

Brain Injury is often called the invisible disability because all too often individuals show no outward signs of the long term ramifications of the injury. Brain injury and the associated conditions impact daily functioning people with brain injury and impact their access to services.

Persons with brain injuries may suffer physical impairments, interruptions in cognitive functioning, significant personality changes, and psychological disturbances.

Brain Injury is in North Dakota.

Chances are a person with brain injury resides in every community in North Dakota. Each year in North Dakota an estimated **3,693 individuals** sustain a Traumatic Brain Injury.

That's as if you took the population of Emmons County, including the towns of Linton, Strasburg, Hazelton, Braddock, Kintyre, Temvik, Westfield, and Hague

More than **13,000** North Dakotans are currently living with a long term disability from brain injury.

Although similar to that for several other types of injuries, the percentage (15.7%) of injury-related productivity loss attributed to TBI is 14 times that associated with spinal cord injury.

Findings from the 2016 ND Brain Injury Needs Assessment

The 2016 ND Brain Injury Needs Assessment found that for people with brain injury in North Dakota, **services and supports for the condition are few, are disparate, and are disjointed**. The reviewed data and input from North Dakota Brain Injury Stakeholder perspectives pointed to three primary brain injury needs for the state to include

1. Overall, there are insufficient services for people with brain injuries.

- a. There is a lack of a continuum of resources, supports and services for brain injury in North Dakota and there are disparities across the state.
- b. Brain injury and the associated conditions impact daily functioning people with brain injury and impact their access to services.
- c. There are problems with care coordination across existing programs within the state.
- d. Families reported a high need for family and survivor support systems.
- e. People with brain injury need transitional services, case management, employment supports, and transitional housing.
- f. Participants reported frustrations and problems with eligibility for access to treatment for brain injury, especially after hospitalization.

2. Overall, there is insufficient education and training about brain injury and its impact on individuals, families and the community.

- a. North Dakota needs more public education about brain injury.
- b. Specialized training and education about working with people with brain injury is needed for various fields including medical personnel, community agency staff, educators, and criminal justice personnel

3. Overall, there are insufficient data systems and reporting processes for determining accurate census information on brain injury.

- a. Definitional variations between the state definition and national reporting systems makes state to national comparisons difficult.
- b. Comprehensive picture of the numbers of citizens needing brain injury services.

For more information about brain injury in North Dakota, to get involved in efforts or to donate please contact Rebecca Quinn at 855.866.1884 or rebecca.quinn@med.und.edu



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September 12, 2016

SENT VIA EMAIL ONLY
JOHN WANECKE

Re: Inquiry on behalf of the Brain Injury Advisory Council
Summary of recommendation following free consultation

Dear Mr. Wanecke:

Preliminary Disclosure:

Please be advised that I have not been retained by you or the Brain Injury Advisory Council (“Council”) and by submitting this letter to you I am not consenting to performing any legal services for you, or the Council, beyond providing you with this opinion letter. Therefore, please do not seek follow up information from me unless a fee/retainer agreement is subsequently entered into.

Background:

To re-cap, you came in for a free consultation today due to your concerns about the marketing plan the State has come up with to educate the public and to create awareness of the realities of individuals suffering from brain injury. You indicated that the State is about to launch a marketing program called “Know Your Noggin” which you and other Council members do not support.

I provided you with some recommendations and advice during our meeting which you asked that I summarize for you in writing.

My Recommendations:

I am suggesting that the Council move forward with the formal adoption of its bylaws. Thereafter, I recommended that any action taken should be an action of the Council. For example, after the positions of your Board have been filled/elected, a regular or special meeting could be held and at said meeting one of the members could bring a Motion for the Council to adopt a formal resolution stating that the Council does not approve of the marketing plan intended by the State. If the resolution passes, a letter from the Council could be sent to the State and in said letter, the State would be notified of the Board’s resolution and position on the matter. The letter could also include the Council’s recommended changes to the marketing plan. The hope would be that the State, upon receiving notice of formal action by your board, may re-think their slogan and marketing plan.



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It did not appear clear to me, based on the documents provided, that the State had any obligation to consult with the Council on marketing strategies. Therefore, I did not recommend any formal legal action at this time. However, you are free to seek consultation from a different attorney who very well could view your options differently than I.

As previously stated, this letter merely is designed to document the recommendations given to you during a free consultation. No agreement has been reached regarding future representation.

Sincerely,

/s/ Garrett D. Ludwig
Garrett D. Ludwig

GDL:tak

Outlook Mail

Search Mail and People

Folders

- Inbox 5
- Junk Email 9
- Drafts
- Sent Items
- Deleted Items
- Alex Elementary School
- Archive
- Bankruptcy
- BBB
- Beyond One Card
- BSU
- Go Daddy
- Hastings Wind
- Jacey
- MN Renewable Energy
- Wahtomin Shores
- Wayne

New | Reply | Delete | Archive | Junk | Sweep

Feedback on Brain Injury Campaign

MM Mike Mabin Yesterday, 8:12 AM You

You replied on 9/20/2016 1:21 PM.

Good morning John,
 Thank you for stopping by my office yesterday. I'm sorry for the inconvenience caused by the construction activity around the main entrance.

I appreciate you and your commitment to serve as a volunteer on the Brain Injury Advisory Council. Thank you for keeping me informed of your efforts. As I've communicated in the past, I agree with you that the marketing slogan proposed for the Brain Injury Awareness Campaign tends to trivialize and make light of the importance of the topic. However, truth be told, our opinions aren't really the ones that matter. It's the target audiences' opinions that should dictate whether or not the slogan is effective. With this in mind, the State's RFP called for the following deliverables to be provided by the selected contractor.

Scope of Work (Section 2.02 – Key Deliverables)

- Develop an overall creative concept/campaign, including three separate subset messages, as identified in Section 2.01 of this RFP.
 - Propose creative concepts,
 - Provide justification for the planned approach through marketing research (either existing research or through market testing conducted by the agency)
- Conduct focus groups to test creative messages prior to finalization.
- Communication/media strategies must be evidence-based and best practice.
- Following review, modifications, and approval of the media plan by STATE and Brain Injury Advisory Council, implement the media plan.

In order to maintain the integrity of the procurement process, the STATE and its chosen contractor should be required to follow the Scope of Work which was described in the RFP. This may be a stronger position for you to communicate to the STATE instead of simply voicing your dissatisfaction with the slogan. Best wishes as you proceed forward.

Mike Mabin, President/CEO
 Marketing & Advertising Business Unlimited, Inc.
 (DBA Agency MABU)

Headquarters: