

**North Dakota  
Brain Injury Advisory Council  
Legislative Committee**

**Video Conference Meeting  
December 30, 2020  
Meeting Minutes**

**Call to Order and Welcome:** Greg Gallagher, BIAC Facilitator, called the meeting to order at 12:03 AM, CT, via video conference, and welcomed ND Brain Injury Advisory Council (BIAC) Legislative Committee members. Member attendance was recorded by meeting registration.

**NDBIAC Legislative Committee Members Present:** Sarah Ring; Mandy Slag; Nan Kennelly; Rebecca Quinn; and Denise Harvey.

**Facilitation:** Greg Gallagher, Deputy Director, The Consensus Council, Inc., served as facilitator.

**Approval of Agenda.** Greg Gallagher reviewed the charge of the Legislative Committee resulting from BIAC action during the November 20, 2020, BIAC quarterly business meeting. Pursuant to BIAC resolution, the Legislative Committee is responsible for (1) reviewing and proposing action on prospective legislative initiatives; (2) establishing a process to manage BIAC legislative actions and communications; and (3) considering any associated matters requiring BIAC action.

Rebecca Quinn requested the meeting of the Legislative Committee to consider action on four matters: (1) reviewing anticipated brain injury program budget cuts, including a 50% cut for both ND Brain Injury Network programs and the Community Options employment programs; (2) considering action on an anticipated primary seatbelt bill; (3) preparing BIAC testimony; and (4) considering action on any hyperbaric legislation. Members agreed to consider these four agenda items.

**1. Reviewing Anticipated Brain Injury Program Budget Cuts.** Ms. Quinn reported that she has received notice that the DHS budget, whose details have yet to be announced, will include an approximate 50% cut in program funding and other reductions, such as administrative funding for BIAC operations and facilitation services. Members commented that the DHS budget reductions in certain state-funded programs appear to be shifting to federally funded programs, with an expectation that the Medicaid 1915(i) program will provide offsetting benefits. Members expressed concern for these shifting DHS budget priorities, including:

- The restrictive definition of brain injury within the Medicaid 1915(i) program, focusing on neuro-cognitive disorder diagnoses at the elimination of other brain injury diagnosis, will limit brain injury services to certain individuals.
- Since Medicaid 1915(i) services requires financial eligibility for Medicaid, economic means testing will restrict the number and types of individuals eligible for brain injury services, compared to current practices.
- The reduction of NDBIN program funding will limit the level of technical assistance support and service coordination statewide, compared to current service levels. The NDBIN is not a direct service agency and should not be conflated within discussions concerning Medicaid 1915(i) service programming.

Members agreed to convene a meeting of the Legislative Committee once the DHS budget details are released. Members anticipate a need for the Legislative Committee to draft and deliver testimony on the DHS budget regarding brain injury services.

- 2. Primary Seatbelt Bill.** Mandy Slag reported that it is anticipated a primary seatbelt bill will be introduced during the 2021 Legislative Session. A primary seatbelt law would allow law enforcement officers to stop a motor vehicle if an officer suspected that any occupants of the vehicle might not be wearing a seatbelt. Such legislation would move beyond current secondary seatbelt provisions. Committee members expressed interest in supporting such legislation; however, members stated that they wished to study any legislative language. Rebecca Quinn subsequently informed the Committee in an email that the anticipated primary seatbelt bill will reflect the content of [SB 2060](#) introduced during the [2019 Legislative Session](#). Ms. Quinn and Ms. Slag offered to monitor the release of the anticipated bill and to forward it to the Committee members.
- 3. Hyperbaric Legislation.** Members observed that recent changes in the management of the hyperbaric program within the Dakota Medical Foundation, including the recent replacement of its lead physician, have moved the program forward, although the operations of the program remain opaque. The project may require (1) a change in law regarding a charitable foundation's ability to hire a physician and (2) authority to carry forward previously authorized but unspent funding into the next biennium. Members expressed an interest to observe any legislative action regarding the hyperbaric program, but the members specified primary interest in studying the research elements of program initiatives. Members elected to take a neutral position on any legislation at this time and will remain observant to developments.
- 4. BIAC Legislative Monitoring Procedures.** Members referenced the BIAC Special Meeting minutes from December 17, 2020, regarding legislative monitoring procedures. Based on past practice and at the request of BIAC members, Rebecca Quinn has agreed to coordinate general monitoring activity for the BIAC, referencing the session monitoring guides prepared by the Protection and Advocacy Project. Members were invited to participate in the Friday-afternoon monitoring meetings offered by the Protection and Advocacy Project throughout the legislative session. Ms. Quinn will alert BIAC members of forthcoming brain injury related proposals and initiate formal meetings of the BIAC Legislative Committee, as required. Denise Harvey offered to assist in communicating meeting events sponsored by the Protection and Advocacy Project. The Legislative Committee will not conduct any regular weekly meetings; instead, meetings will be determined by emergent legislative activity.

Members expressed general satisfaction with the monitoring process established.

**Legislative Committee Authority to Act on Behalf of the BIAC Membership.** Members referenced the decision made during the BIAC Special meeting on December 17, 2020, which acknowledged the authority placed with the Legislative Committee, acting in concert with the BIAC Executive Committee, to transact legislative business on behalf of the BIAC membership. Members affirmed the importance to act with care and in keeping with the aims and reputation of the BIAC. BIAC members agreed to communicate quickly among themselves when emergent legislative action is announced. Chairperson Kennelly will communicate directly with Mr. Gallagher to convene any emergency Committee meetings. Mr. Gallagher counseled members to anticipate conducting certain Committee meetings in the evening or on Saturdays, whenever emergent matters must be addressed.

**Adjournment.** Having complete the stated aims of the meeting, Chairperson Kennelly declared the meeting adjourned.

The meeting adjourned at 12:56 PM, CT.

Respectfully submitted,

Greg Gallagher  
BIAC Facilitator,  
Deputy Director,  
The Consensus Council, Inc.