

**North Dakota
Brain Injury Advisory Council
Membership Meeting
HIT, Inc. Office
2640 Sunset Drive NW; Mandan, ND 58554 (on-site)
Video Conference (online)**

**November 19, 2021
Meeting Minutes**

Call to Order and Welcome: Chairperson Nan Kennelly called the meeting to order at 1:03 PM, CT, and welcomed ND Brain Injury Advisory Council (BIAC) members and the public. Members recorded their attendance via login registration according to voting and non-voting membership status.

BIAC Voting Members Present: Nan Kennelly, General, Chairperson; Sarah Ring, Open, Vice Chairperson; Senator Howard Anderson, ND Senate Designee; Representative Clayton Fegley, ND House Designee (Pending); JoNell Bakke, Survivor-Family; Bobbiann Froemke, General; Darcy Severson, Provider; Jessica Siefken, General.

BIAC Non-voting Members Present: Denise Harvey, Protection and Advocacy Project, Secretary; Barbara Burghart, Department of Human Services – Vocational Rehabilitation; Tami Conrad, Department of Human Services – Behavioral Health; Christine Greff, Department of Health – Stroke and Cardiac, Trauma and Emergency Medical Services; Haley Lang, Department of Public Instruction; Elizabeth Oestreich, Department of Health – Injury Prevention; Dawn Pearson, Department of Human Services – Medicaid.

Presenters and Professional Support: Rebecca Quinn, ND Brain Injury Network.

Facilitation: Greg Gallagher, Deputy Director, The Consensus Council, Inc.

Quorum. Greg Gallagher reported that a sufficient number of BIAC voting members had registered their attendance, constituting a quorum defined by BIAC bylaws. With a majority of qualified members recorded present, Chairperson Kennelly declared the presence of a quorum of voting members and total members, respectively.

Approval of Agenda. Chairperson Kennelly entertained consideration of the November 19, 2021, meeting [Agenda](#). Mr. Gallagher previewed the meeting’s content and presenters.

SENATOR HOWARD ANDERSON MADE AND SARAH RING SECONDED A MOTION TO ADOPT THE NOVEMBER 19, 2021, MEETING AGENDA, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY. CHAIRPERSON KENNELLY ANNOUNCED THE PASSAGE OF THE MOTION AND DECLARED THE APPROVAL OF THE AGENDA.

Approval of Minutes. Chairperson Kennelly entertained consideration of the [August 20, 2021, meeting minutes](#). Mr. Gallagher presented a summary of the meeting minutes.

DENISE HARVEY MADE AND SENATOR HOWARD ANDERSON SECONDED A MOTION TO ADOPT THE AUGUST 20, 2021, MEETING MINUTES, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

CHAIRPERSON KENNELLY ANNOUNCED THE PASSAGE OF THE MOTION AND DECLARED THE APPROVAL OF THE AUGUST 20, 2021, MINUTES.

Next Steps Summary Report. Mr. Gallagher placed into the record the [BIAC Next Steps Summary](#) for future reference by the BIAC members. The *Next Steps Summary*, updated following each quarterly BIAC meeting, records a cumulative list of identified BIAC priorities, outstanding activities, and Council assignments. The *Next Steps* provides a basis for the development of all BIAC meeting agendas and informs BIAC members of issues that may require specific consideration. Mr. Gallagher encouraged members to submit any recommended agenda items for future BIAC meetings, based in part on the content of the summary report.

BIAC Membership Appointments: Executive Committee.

Summary of Executive Committee Actions: [October 1, 2021, Minutes](#).

Tami Conrad and Greg Gallagher provided an update on recent activities to fill the BIAC membership slots that were reconfigured following the passage of SB 2039 during the 2021 Legislative Session. Members reviewed the language of [SB 2039](#) and the resulting final format of the [NDCC 50-06.4-10](#), the section in law defining the responsibilities and membership of the BIAC. Members noted the insertion of language by the Legislative Council concerning provisional management changes, effective after August 31, 2022, when the full consolidation of the current Department of Health and the Department of Human Services will be completed. This insertion of management language does not affect the number or content coverage of representative members, except for those administrative agency representatives on the BIAC from the Department of Health being subsumed within the newly reconstituted Department of Human Services.

Ms. Conrad and Mr. Gallagher reviewed the membership [Proposal](#) approved by the BIAC membership during its August 20, 2021, meeting, which reconciled the requirements of [NDCC 50-06.4-10](#) with the ultimate appointment of BIAC members. During its August 20, 2021, meeting, the BIAC also passed a motion assigning to the BIAC Executive Committee the responsibility to manage all BIAC membership matters, including openings, resignations, coordinated communications with the Governor's Office. Following the BIAC's approval of the membership proposal framework and accepting its assigned duty to manage membership matters, the BIAC Executive Committee [convened on October 1, 2021](#), to resolve all existing membership openings. Ms. Conrad and Mr. Gallagher [provided the details](#) of the Executive Committee's actions leading to the fulfillment of the BIAC's membership, based on currently available nominees.

Based on the actions of the BIAC Executive Committee, Chairperson Kennelly welcomed the inclusion of the following new BIAC members and their respective role designations agreed to by the Governor's Office:

- JoNell Bakke, Family member of a person with brain injury.
- Darcy Severson, Provider, Community Options.
- Bobbiann Froemke, Survivor of brain injury.
- Jessica Siefken, Survivor of brain injury.

Mr. Gallagher announced that Representative Clayton Fegley has been appointed by the ND Speaker of the House as the new representative of the House of Representative, replacing Representative Dick Anderson. Chairperson Kennelly welcomed Representative Fegley on behalf of the BIAC.

Mr. Gallagher reported that there existed a need to seek clarification from the Governor's Office regarding the designation of the stroke position specified in state law. Ms. Conrad stated that the

Governor's Office has designated Christine Greff, Department of Health, as the BIAC Stroke Representative. There exists one additional unfilled survivor-family member slot, awaiting the review and appointment of the Governor's Office. Ms. Conrad and Mr. Gallagher will work closely with the BIAC Executive Committee to fill any openings, going forward.

BIAC Bylaws Revisions, First Reading: Greg Gallagher. Mr. Gallagher introduced draft amendments to the [BIAC Bylaws](#) that incorporate updated changes in [state law](#). Mr. Gallagher stated that the proposed amendments to the bylaws also include language that places the management of membership matters within the purview of the BIAC Executive Committee, based on previous BIAC action. Members discussed the proposed language and deferred any final action until the next scheduled BIAC business meeting when the proposal will receive a second reading and final vote.

Updates from Standing Subcommittees

- Continuum of Care Subcommittee: Deferred Pending BIAC Action
- Education and Awareness Subcommittee: Deferred Pending BIAC Action

Mr. Gallagher noted that the regular reporting of the two BIAC standing committees, the Continuum of Care Subcommittee and the Education and Awareness Subcommittee, have been deferred until the resolution of BIAC committee structures impacted by the forthcoming activities of the State Partnership Grant, to be taken up later in the agenda.

Brain Injury Program and Funding Provisions, DHS Executive Budget, 2021-2023 Biennium: Tami Conrad, DHS. Ms. Conrad provided an update on the current state budget for brain injury services. Currently the Department of Human Services holds a \$265,000 contract with Community Options to provide return-to-work service, reimbursable on a contract work-unit basis. Other services, such as pre-voc and social-rec service, have not been carried forward, since Medicaid 1915(i), Free Through Recovery, Community Connect, and other services have assumed some of this program coverage. Dual diagnosis instances are covered by several funding programs. Overall, brain injury services have increased in recent years and funding appears stable. Services are readily available for substance use, brain injury, and mental health needs.

Dawn Pearson reported that the number of Medicaid Rehabilitative Services and Medicaid 1915(i) service providers are steadily increasing. Currently, approximately 40 providers have applied for approval as Medicaid 1915(i) providers, marking a substantial increase since the beginning of the program. The state is still awaiting a final decision on the state's Medicaid 1915(i) plan amendment from CMS.

Rebecca Quinn stated that universal screening for brain injury, based on a Colorado screening model, has not been fully established, yet, but should be established soon. Free Through Recovery, Community Connect, and Medicaid 1915(i) have helped to move brain injury eligibility assessments forward.

Traumatic Brain Injury State Partnership Grant, Department of Health and Human Services, Administration for Community Living: Rebecca Quinn, ND Brain Injury Network (<https://www.grants.gov/web/grants/view-opportunity.html?oppld=330741>).

- Assessing the Impact of the TBI Grant on BIAC Operations
- Optimizing BIAC Strategic Initiatives

Mr. Gallagher invited Rebecca Quinn to provide a report on the work that lies before the BIAC resulting from the recent award of the Traumatic Brain Injury State Partnership Grant to the state.

Ms. Quinn provided a [prepared presentation](#) of the Partnership Grant's core goals and anticipated forthcoming activities. Ms. Quinn reported that the Partnership Grant will provide approximately \$200,000 per year for five years, totaling over \$1 Million across the grant's lifespan. The primary goal of the traumatic brain injury grant is advisory council development, grounding a structural foundation to state services, leading to comprehensive strategic planning. The grant focuses on infrastructure development and not on providing specific services, outright. This Partnership Grant requires a 50% staff member to be provided by the BIN to achieve the state's overall goals in the following general areas:

- Advisory Council development, including efforts to further enhance the capacity of the BIAC.
- Strategic programmatic and governance planning, including a clear process for how the BIAC will guide state TBI activities.
- Traumatic brain resource facilitation, coordinating how the state will establish and increase capacity by assisting all individuals with TBI, their family members, and their support networks with education and information to effectively identify and navigate the resources, services and supports within the state and communities.
- Traumatic Brain Injury grantee workgroups.
- A TBI Program Sustainability Plan.
- Grantee participation in two national and regional TBI-related annual conferences.
- Data collection and performance reporting, documenting the impact and benefits of the program.

This grant will provide resources to update the state's brain injury strategic plan, which has not been updated since 2008. The grant requires that the state's BIAC membership consist of at least 50% brain injury stakeholders, which has now been secured with the recent changes to state law. Grant funds will support increased advocacy and training opportunities.

Principal Partnership Grant priorities of the BIAC are to (1) assist in the development of a state brain injury services strategic plan, and (2) assist in monitoring Partnership Grant activities throughout the course of the project. The state will collaborate with other states who have similarly been awarded grants. The state will have access to national consultants who will be made available to guide states through best-practice infrastructure measures. The state will benefit from bringing in a dedicated consultant into the state's grant activities. A statewide brain injury symposium has been scheduled for March 25-26, 2022.

Certain core Partnership Grant initiatives have been identified for inclusion in the state's strategic plan.

- Align BIAC Initiatives with ND Behavioral Health Strategic Plan.
- Uniform Brain Injury Screening Protocols, including clearly defining screening options.
- Service Navigation Support for Individuals and Providers, including Medicaid 1915(i), Free Through Recovery, Community Connect, Medicaid Rehabilitative Services, Private Insurance, and individual program options.
- Brain Injury Peer Support and Advocacy Services and Trainings for Levels of Specialists.
- Medicaid and Private Provider Coverage and Reimbursement.
- Workforce Development.
- Collaboration with Other State Advisory Councils.

Members stated uniform support for the aims of the Partnership Grant and expressed willingness to take on those duties that will be essential in advancing the goals of the grant. Discussion on

how the BIAC might structure its standing committees to accomplish the aims of the grant while attending to the core statutory responsibilities of the BIAC was deferred to later in the meeting.

Agency Reports.

Department of Health. No report from the Department of Health was provided.

Department of Human Services. Tami Conrad reported that the DHS is moving steadily forward in securing applications from service providers to enroll as certified Medicaid 1915(i) service providers, including offering provider incentive grants. DHS is using emergency Covid funds to support behavioral health services across the state.

Department of Public Instruction. Haley Lang reported that on December 1, 2021, new dyslexia administrative credential rules will be reviewed. The Special Education Unit is conducting monthly online informational and training sessions, covering topics on various special education services, such as OT, mindfulness practices, and program monitoring.

Protection and Advocacy. Denise Harvey reported that Protection and Advocacy has funding available to assist individuals with disabilities in securing Covid vaccinations. P&A has collaborated in developing a podcast on the work of securing a new state hospital and other regional-based psychiatric services, which is available through podcast libraries. P&A is updating its manual on justice system supports for individuals with disabilities.

Open Discussion.

BIAC Standing Subcommittee Structure. Mr. Gallagher opened discussions on the current structure of the BIAC's two standing committees, including:

Continuum of Care Subcommittee

Domain and Scope of the CC Subcommittee. The Brain Injury Advisory Council has established the following scope of work assigned to the CC:

1. The CC will address the following domain of issues: (1) defining and addressing the meaning and construct of continuum of care for individuals with brain injuries, and (2) assessing and proposing various measures that would produce a positive effect on the provision of services, spanning promotion, prevention, early identification, intervention, service delivery, and recovery.
2. The CC has identified six core CC issues: (1) expanded brain injury protocols, (2) Medicaid 1915(i) service options, (3) definition of *continuum of care*, (4) request the development of a DHS flow chart for brain injury services, (5) service gap analysis, and (6) establish standing subcommittee meeting times at every BIAC meeting.

Education and Awareness Subcommittee

Domain and Scope of the EA Subcommittee. EA members have agreed to the following scope of work assigned to the EA.

1. EA members have identified the EA's scope as (1) coordinating the efforts between the BIAC full membership and the Brain Injury Network to advance best practice training opportunities for professionals across the wider service community and to improve outreach and awareness efforts to the wider public regarding brain injury issues, and (2) assessing and proposing specific training and awareness campaigns that will produce a

positive effect on the provision of services, across the broad span of service sectors and the wider public.

2. The EA has identified five core EA issues: (1) expanded brain injury protocols, (2) teacher professional development on brain injuries, (3) law enforcement personnel professional development on brain injuries, (4) special education professional development for brain injury assessments, (5) coordinating activities between the ND Brain Injury Network and the BIAC EA.
3. EA members will focus attention on the various professionals and organizations that may require professional development and technical assistance regarding brain injuries, as evidenced in the spread of the five identified issues. The EA has observed the need to carefully coordinate and collaborate with the Brain Injury Network, providing direction, support, feedback, validation, and new ideas to the BIN's ongoing efforts.
4. BIAC members have resolved that the EA, in association with the BIN, periodically revisit the 2016 statewide brain injury survey to assess its relevance and identify emergent key issues for the full BIAC to consider.

Mr. Gallagher entertained proposals how the BIAC might structure its standing committees, going forward, to meet the longer-term strategic planning of the BIAC.

Members generally supported the continuation of the BIAC – Continuum of Care Subcommittee, as currently defined.

Members generally observed that the BIAC – Education and Awareness Subcommittee's charge falls largely within the domain of the ND Brain Injury Network; as such, the Education and Awareness Subcommittee is effectively redundant in purpose and should be retired.

Members observed that the Executive Committee has been correctly charged with the management of BIAC membership matters.

Members observed that with the retirement of the Education and Awareness Subcommittee an opportunity exists to establish a committee that would guide the BIAC's strategic planning aims.

Members observed that some consideration be given to assign legislative preparations and monitoring, and consumer and family involvement within a dedicated subcommittee.

Members expressed an emerging interest in sustaining perhaps two standing subcommittees:

- Continuum of Care Subcommittee would retain its current charge.
- Strategic Planning Subcommittee would assume responsibilities for the development of the BIAC strategic plan, management of legislative affairs, development of policy initiatives, and management of consumer and family engagement.

SARAH RING MADE AND JONELL BAKKE SECONDED A MOTION TO ESTABLISH TWO CORE STANDING SUBCOMMITTEES, INCLUDING THE CONTINUUM OF CARE SUBCOMMITTEE, CHARGED WITH ITS CURRENTLY DEFINED DUTIES, AND THE STRATEGIC PLANNING SUBCOMMITTEE, CHARGED WITH MATTERS RELATED TO STRATEGIC PLANNING, LEGISLATIVE AFFAIRS, POLICY DEVELOPMENT, AND CONSUMER AND FAMILY ENGAGEMENT. THE MOTION PASSED UNANIMOUSLY. CHAIRPERSON KENNELLY ANNOUNCED THE PASSAGE OF THE MOTION AND THE APPROVAL OF THE RESOLUTION.

Public Comments. Mr. Gallagher invited members of the public to provide any comments to the BIAC. No individuals stepped forward to provide comments to the BIAC. Chairperson Kennelly closed the public comment period.

2022 Proposed Meeting Dates. Mr. Gallagher placed before the BIAC members a set of four proposed dates for BIAC meetings during 2022:

- February 18, 2022.
- May 20, 2022.
- August 19, 2022.
- November 19, 2022.

Members restructured and by consensus agreed to set the following 2022 meeting dates:

- February 11, 2022.
- May 20, 2022.
- August 26, 2022.
- November 18, 2022.

Meetings will continue to be conducted via a combination of in-person meetings with videoconference alternative participation, going forward.

Adjournment. Having completed the meeting's agenda and hearing no further comments from the BIAC members, Chairperson Kennelly entertained a motion to adjourn.

JONELL BAKKE MADE AND CLAYTON FEGLEY SECONDED A MOTION TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

Chairperson Kennelly declared the meeting adjourned at 4:08 PM, CT.

Respectfully submitted,

Greg Gallagher
Deputy Director
Consensus Council, Inc.

APPENDIX ATTACHMENTS NOTED IN TEXT

APPENDIX A

Brain Injury Advisory Council Meeting

Friday, November 19, 2021

1:00 PM – 4:00 PM., CT

Membership Meeting

HIT, Inc. Office

2640 Sunset Drive NW; Mandan, ND 58554 (on-site)

Video Conference (online)

AGENDA

Brain Injury Advisory Council Meeting
Onsite: HIT Inc., 2640 Sunset Dr., Mandan, ND
Online Videoconference Connection*

Friday, November 19, 2021
1:00 PM – 4:00 PM., CT

AGENDA

- 1:00 PM Call Meeting to Order: Nan Kennelly, Chairperson
Welcome and Roll Call via Video Login
Quorum
- Approve Agenda: November 19, 2021
- Approve Minutes: August 20, 2021
- Next Steps Summary: Greg Gallagher, Facilitator.
- 1:10 PM BIAC Membership Appointments: Executive Committee
Summary of Executive Committee Actions: October 1, 2021, Minutes
- Nominees Approval by Governor; Concurrence by Executive Committee
 - JoNell Bakke: Family member of a person with brain injury. Replacement for Lisa Anderson.
 - Darcy Severson: Provider, Community Options. Replacement for Austyn Kloehn.
 - Nominations Moved Forward by Executive Committee for Governor Review and Approval
 - Bobbiann Froemke: Survivor of Brain Injury.
 - Jessica Siefken: Survivor of Brain Injury
- BIAC Bylaws Revisions, First Reading: Greg Gallagher, Facilitator.
- 1:30 PM Updates from Standing Subcommittees
- Continuum of Care Subcommittee: Deferred Pending BIAC Action
 - Education and Awareness Subcommittee: Deferred Pending BIAC Action
- Brain Injury Program and Funding Provisions, DHS Executive Budget, 2021-2023 Biennium: Tami Conrad, DHS.

Traumatic Brain Injury State Partnership Grant, Department of Health and Human Services, Administration for Community Living: Rebecca Quinn, ND Brain Injury Network
(<https://www.grants.gov/web/grants/view-opportunity.html?oppld=330741>).

- Assessing the Impact of the TBI Grant on BIAC Operations
- Optimizing BIAC Strategic Initiatives

Prospective BIAC Policy and Program Strategic Initiatives: Rebecca Quinn, ND Brain Injury Network

- Align BIAC Initiatives with ND Behavioral Health Strategic Plan.
- Uniform Brain Injury Screening Protocols.
- Service Navigation Support for Individuals and Providers.
- Brain Injury Peer Support Services.
- Medicaid and Private Provider Coverage and Reimbursement.
- Workforce Development.
- Collaboration with Other State Advisory Councils.

3:00 PM Interim Legislative Committee Strategy. BIAC Membership

- Protection and Advocacy Project Summary of Activities

Update from Department of Health
Update from Department of Human Services
Update from Department of Public Instruction
Update from Protection and Advocacy Project

Open Discussion

3:45 PM Public Comments

Next Steps: Greg Gallagher.

2022 Proposed Meeting Dates

- February 18, 2022.
- May 20, 2022.
- August 19, 2022.
- November 19, 2022.

4:00 PM Adjournment

Meeting Contact Information:

The Brain Injury Advisory Council follows established state guidance regarding the scheduling and management of state advisory councils. The Brain Injury Advisory Council currently holds scheduled meetings via onsite and videoconference options. Masking is requested for all onsite participants. Members of the public can access the meeting and participate in the public comment period by attending in person or using the following videoconference contact information:

*Online Videoconference Connection:

Topic: BIAC Quarterly Meeting

Time: Nov 19, 2021, 01:00 PM Central Time

Join Zoom Meeting

<https://us02web.zoom.us/j/84668596089>

Meeting ID: 846 6859 6089

Phone Connection Option: 1-346-248-7799

Brain Injury Advisory Council Mission.

The Mission of the North Dakota Brain Injury Advisory Council is to improve the quality of life for all individuals with brain injury and their families through brain injury identification, awareness, prevention, research, education, collaboration, support services and advocacy.

APPENDIX B

**BIAC Executive Committee Meeting
BIAC Membership Resolution**

October 1, 2021

Minutes

**Brain Injury Advisory Council
Executive Committee Meeting
Videoconference Session**

**Friday, October 1, 2021
12:00 PM – 1:00 PM., CT**

Minutes

Members Present: Nan Kennelly, Chairperson; Sarah Ring, Vice Chairperson; Denise Harvey, Secretary. Members recorded attendance through online registration.

Department of Human Services Representative: Tami Conrad

Facilitator: Greg Gallagher

Call to Order: Mr. Gallagher, facilitator, called the meeting to order at 12:02 PM, CT. Mr. Gallagher noted that the Executive Committee meeting was organized to review and move forward, for final approval by the Governor, a slate of BIAC member nominees. In keeping with a BIAC resolution, passed during the August 20, 2021, BIAC meeting, the Executive Committee is authorized to review and recommend any nominees for membership on the BIAC.

Approval of Agenda. Mr. Gallagher presented the proposed meeting [Agenda](#) for approval. The Executive Committee members expressed satisfaction with the agenda, and Mr. Gallagher declared the agenda approved.

Consideration of Prospective BIAC Members, Tami Conrad and Greg Gallagher.

- BIAC Bylaws Provisions
- BIAC Resolution to Empower BIAC Executive Committee, August 20, 2021
- Process Agreement with Governor's Office
- Board Member Website: <https://apps.nd.gov/gov/boards/Board>.

Ms. Conrad and Mr. Gallagher provided a summary of foundational authority and activities related to the Executive Committee's duties to move forward a slate of BIAC member nominees to the Governor for approval. Mr. Gallagher reported that given the passage of SB 2038 during the 67th Legislative Assembly the BIAC's current bylaws need to be amended to incorporate the BIAC's new membership requirements. Mr. Gallagher will prepare the bylaw amendments for the November 19, 2021, BIAC meeting. Mr. Gallagher also noted that during the August 20, 2021, BIAC meeting, the Executive Committee is authorized to review and recommend any nominees for membership on the BIAC.

Ms. Conrad provided an overview of a recent meetings she has held with Maria Neset, representative for the Governor's Office on Council membership, including a meeting conducted on September 30, 2021, which provided clarity and parameters for the nomination process, in anticipation of the Executive Committee meeting. Ms. Conrad reported that all statewide board membership matters, including the application process for prospective BIAC nominees, are managed on the new state board membership website: : <https://apps.nd.gov/gov/boards/Board>.

Nominees Approved by Governor, Tami Conrad and Greg Gallagher.

- JoNell Bakke: Family member of a person with brain injury. Replacement for Lisa Anderson.
- Darcy Severson: Provider, Community Options. Replacement for Austyn Kloehn.

Ms. Conrad and Mr. Gallagher reported that during a September 30, 2021, meeting to review the status of current member applications, Ms. Neset stated that JoNell Bakke and Darcy Severson had been vetted and approved for BIAC membership by the Governor’s Office. Ms. Bakke was appointed to replace Lisa Anderson as a family member of a person with a brain injury, and Ms. Severson was appointed to replace Austyn Kloehn as a community provider. Both individual’s terms will begin immediately.

Ms. Conrad and Mr. Gallagher remarked to Ms. Neset that the Governor’s Office had moved forward to approve the appointments of Ms. Bakke and Ms. Severson outside of the nomination process specified in state law, where the BIAC initiates nominations to the Governor for final approval. Ms. Neset stated the appointments from the Governor’s Office had proceeded, unintentionally, without a sufficient knowledge of the BIAC nomination process. Ms. Conrad and Mr. Gallagher stated that the Governor’s ultimate appointments of Ms. Bakke and Ms. Severson were valid.

Mr. Gallagher observed that it may be appropriate for the BIAC Executive Committee to enact a resolution recognizing the validity of the Governor’s appointments and concurring that the appointments conform to BIAC expectations for qualified memberships. Both Ms. Conrad and Mr. Gallagher remarked that the Governor’s Office is now aware of the nomination and appointment process stated in law.

Nominees Under Consideration for Recommendation to Governor

- Jessica L. Siefken: Family member.
- Bobbiann Froemke: Survivor.
- Mychal Cook: Survivor.
- Amanda Mitchell: Survivor.

Ms. Conrad provided a summary of four applicants for the BIAC that are under consideration for nomination by the BIAC, including Jessica Siefken, Bobbiann Froemke, Mychal Cook, and Amanda Mitchell. Mr. Gallagher provided a [summary of the master BIAC membership grid](#), reviewed by the BIAC during the August 20, 2021, BIAC meeting, to guide forthcoming appointments. Executive Committee members reviewed and discussed various options for determining sufficient nominees to fully constitute the BIAC membership base. Executive Committee members referenced SB 2038 to clarify certain flexibility provided within statute. Members agreed upon a set of parameters:

- The Governor’s appointment of JoNell Bakke has properly filled a slot dedicated for a family member, replacing Lisa Anderson.
- The Governor’s appointment of Darcy Severson has properly filled a dedicated community provider, replacing Austyn Kloehn.
- The Executive Committee must nominate three members who might represent either survivors or family members of survivors, as allowed under state law.

Prospective Future Nominees, Awaiting Application Submission

- Lindsey Schuh: provider; consumer/family member (Ms. Schuh works for same provider as Darcy Severson). APPLICATION PENDING

- Sandi Grunot: stroke representative. APPLICATION PENDING
- Wendelein Hume. Survivor. APPLICATION PENDING

Ms. Conrad provided a summary of three prospective applicants for future consideration by the BIAC. These prospective applicants have indicated an interest in applying for membership but have not completed their applications. This information was provided to offer a context of possible future nominees. No action or further consideration was required related to these three prospective applicants.

Review and Selection of BIAC Membership Nominees to the Governor's Office. Executive Committee members reviewed each of the four applicants for consideration for nomination to the Governor's Office.

Resolution of Concurrence. Executive Committee members discussed moving forward with adopting a resolution of concurrence recognizing the validity of the Governor's two appointments and concurring that the appointments conform to BIAC expectations for qualified memberships.

DENISE HARVEY MADE AND NAN KENNELLY SECONDED A MOTION TO RECOGNIZE THE VALIDITY OF THE GOVERNOR'S APPOINTMENTS OF JONELL BAKKE AND DARCY SEVERSON AS APPROVED BIAC MEMBERS WHO CONFORM TO BIAC EXPECTATIONS FOR QUALIFIED MEMBERSHIP. THE MOTION PASSED UNANIMOUSLY. MR. GALLAGHER ANNOUNCED THE RESULTS OF THE VOTE AND DECLARED THE PASSAGE OF THE MOTION.

Consideration of Bobbiann Froemke for Membership Nomination. Members took up consideration of Bobbiann Froemke for BIAC membership nomination.

SARAH RING MADE AND NAN KENNELLY SECONDED A MOTION TO NOMINATE AND RECOMMEND FOR APPROVAL BOBBIANN FROEMKE TO THE GOVERNOR'S OFFICE FOR APPOINTMENT TO THE BIAC AS A FULL MEMBER, REPRESENTING SURVIVORS OF BRAIN INJURY. THE MOTION PASSED UNANIMOUSLY. MR. GALLAGHER ANNOUNCED THE RESULTS OF THE VOTE AND DECLARED THE PASSAGE OF THE MOTION.

Consideration of Jessica Siefken for Membership Nomination. Members took up consideration of Jessica Siefken for BiaC membership nomination.

NAN KENNELLY MADE AND SARAH RING SECONDED A MOTION TO NOMINATTE AND RECOMMEND FOR APPROVAL JESSICA SIEFKEN TO THE GOVERNOR'S OFFICE FOR APPOINTMENT TO THE BIAC AS A FULL MEMBER, REPRESENTING SURVIVORS OF BRAIN INJURY. THE MOTION PASSED UNANIMOUSLY. MR. GALLAGHER ANNOUNCED THE RESULTS OF THE VOTE AND DECLARED THE PASSAGE OF THE MOTION.

Members observed that Bobbiann Froemke and Jessica Siefken proceeded to eventual nomination because members were aware of their respective standings. Members noted that they were not in a similar position to proceed with the consideration of either Mychal Cook or Amanda Mitchell since members were not sufficiently knowledgeable of their backgrounds and qualifications. Executive Committee members requested that Ms. Conrad contact Maria Neset to acquire additional background information or to seek both permission and the contact information required to conduct an interview regarding their backgrounds. Ms. Conrad agreed to seek this information from Ms. Neset. Members uniformly agreed to defer any further consideration of BIAC applicants until additional information could be provided.

Members agreed to proceed with the two members already approved by the Governor's Office and with the two members that the Executive Committee would recommend for approval to the Governor's Office.

Ms. Conrad agreed to forward the nominations of Bobbiann Froemke and Jessica Siefken to Ms. Nese for the consideration and action of the Governor's Office.

Adjournment. Having completed the work identified in the agenda and hearing no further comments from the Executive Committee, Mr. Gallagher called the meeting adjourned at 1:03 PM, CT.

Respectfully submitted,

Greg Gallagher
BIAC Facilitator
Consensus Council Deputy Director

[APPENDIX A: Agenda](#)

[APPENDIX B: BIAC Membership Summary Grid](#)

**Brain Injury Advisory Council
Executive Committee Meeting**

Online Videoconference Connection*

**Friday, October 1, 2021
12:00 PM – 1:00 PM., CT**

AGENDA

- 12:00 PM Call Meeting to Order
Welcome and Roll Call via Video Login
Quorum
- Approve Agenda: October 1, 2021
- Approve Minutes: N/A
- 12:05PM Consideration of Prospective BIAC Members, Tami Conrad and Greg Gallagher
- BIAC Bylaws Provisions
 - BIAC Resolution to Empower BIAC Executive Committee, August 20, 2021
 - Process Agreement with Governor’s Office
 - Board Member Website:
<https://apps.nd.gov/gov/boards/Board>.
- Nominees Approved by Governor
- JoNell Bakke: Family member of a person with brain injury. Replacement for Lisa Anderson.
 - Darcy Severson: Provider, Community Options. Replacement for Austyn Kloehn.
- Nominees Under Consideration for Recommendation to Governor
- Jessica L. Siefken: Family member.
 - Bobbiann Froemke: consumer status to be confirmed.
 - Mychal Cook: Survivor.

- Amanda Mitchell: Survivor.

Prospective Future Nominees, Awaiting Application Submission

- Lindsey Schuh: provider; consumer/family member (Ms. Schuh works for same provider as Darcy Severson). APPLICATION PENDING
- Sandi Grunot: stroke representative. APPLICATION PENDING
- Wendelein Hume. Survivor. APPLICATION PENDING

Communications with Governor's Office

Inclusion on November 19, 2021, BIAAC Agenda

1:00 PM Adjournment

Meeting Contact Information:

Topic: BIAAC Executive Committee

Time: Oct 1, 2021, 12:00 PM Central Time

Join Zoom Meeting

<https://us02web.zoom.us/j/88467635040>

Meeting ID: 884 6763 5040

Phone Connection Option: 1-346-248-7799

Brain Injury Advisory Council - Membership Status Summary

BIAC Member	Governor Appointees	Legislative Appointees	Agency Appointees	Provider Status	Survivor or Family Status	Voting Status	Appointment Date	Appointment Expires
Dick Anderson		House				x	5.1.2017	4.30.2021
Howard Anderson		Senate				x	5.1.2017	4.30.2021
Lisa Anderson - OPEN	X				Family	x	9.1.2017	8.31.2021
Tami Conrad			DHS - Behavioral Health					Pending
David Biberdorf - OPEN	X				Future Survivor Slot	x	9.1.2017	8.31.2021
Christine Greff			DoH Trauma - Emergency Services				8.1.2021	8.31.2021
Shannon Cook	X				Survivor	x	9.1.2017	8.31.2021
Dawn Pearson			DHS - Medicaid Protection and Advocacy				7.6.2020	8.31.2021
Denise Harvey							9.1.2017	8.31.2021
Jean Herauf - OPEN	X				Future Survivor Slot	x	9.1.2017	8.31.2021
Barbara Burghart			DHS Vocational Rehabilitation				9.20.2019	8.31.2021
Nan Kennelly	X			Open Provider		x	9.1.2017	8.31.2021
Austyn Kloehn	X			Open Provider		x	9.1.2017	8.31.2021
Skipp Miller	X			Indian Affairs	Survivor	x	3.1.2018	8.31.2021
Janna Pietrzak - OPEN	X				Stroke Appointee			Pending

Sarah Ring	X		Organization Representative	x	9.1.2017	8.31.2
Elizabeth Oestreich			DoH Injury Prevention			Pendi
Haley Lang			DPI			Pendi
NEW - OPEN	X			Survivor	x	Pendi

APPENDIX C:

**Brain Injury Advisory Council Bylaws,
Proposed Amendments, First Reading**

November 19, 2021

NORTH DAKOTA BRAIN INJURY ADVISORY COUNCIL BYLAWS

The Mission of the North Dakota Brain Injury Advisory Council (“Council”) is to improve the quality of life for all individuals with brain injury and their families through brain injury identification, awareness, prevention, research, education, collaboration, support services and advocacy.

I. Membership

- A. The membership of the Council shall consist of the following membership designations:
1. The governor shall appoint at least five, but no more than nine, voting members to serve on the brain injury advisory council as follows: The governor may make appointments under this subsection so a majority of the total voting members appointed under subsections 1 and 2 are brain injury survivors and family members of brain injury survivors. The members appointed by the governor must consist of the following:
 - a. ~~One~~ At least one brain injury survivor, nominated by the council;
 - b. ~~One~~ At least one family member of a brain injury survivor, nominated by the council;
 - c. At least one service provider who provides services to brain injury survivors, nominated by the council, who may be a brain injury survivor or a family member of a brain injury survivor;
 - d. An individual representing the Indian affairs commission, nominated by the Indian affairs commission, who may be a brain injury survivor or a family member of a brain injury survivor; and
 - e. At least one individual representing a religious, charitable, fraternal, civic, educational, legal, veteran, welfare, or professional group or organization, who may be a brain injury survivor or a family member of a brain injury survivor.
 2. The speaker of the House of Representatives shall appoint one member of the House of Representatives and the president pro tempore of the Senate shall appoint one member of the Senate to serve as members of the council. Each legislative member of the council is entitled to receive compensation from the legislative council for each day spent in meetings of the council and for reimbursement for related travel and other necessary expenses in the amounts provided by law for other state officers.
 3. Each of the following entities shall appoint a representative to serve as a nonvoting member of the council who serves at the pleasure of the appointing entity:
 - a. Protection and advocacy project, one representative;
 - b. State department of health, one individual representing injury prevention and one representative representing emergency medical services and trauma;
 - c. Department of human services, one individual representing behavioral health, one individual representing Medicaid, and one individual representing vocational rehabilitation; and
 - d. Department of public instruction, one representative.

4. The governor may appoint an individual representing stroke health to serve as a nonvoting member of the council who serves at the pleasure of the governor.
- B. A voting advisory council member appointed by the governor may not serve more than two consecutive four-year terms on the council.
- C. A Council member appointed under subdivision a or b of subsection 1 is entitled to receive from the department reimbursement for expenses as provided by law for state officers and per diem compensation as determined by the department of human services if the member is attending meetings or performing duties directed by the council
- D. Any person desiring to resign from the Council shall notify the Council Chair in writing. The resignation letter shall indicate the date the resignation becomes effective.
- E. All members shall attend at least half of the meetings in any calendar year. Any member that has not attended half the meetings of the previous calendar year will be deemed subject to review and a notification of review will be sent by the Secretary of the Council.
- F. Any member of the Council wishing to represent the Council before a legislative authority or before any public forum (including hearings, meetings, media interviews, etc.) shall provide a copy of the proposed information to the Council Chair and seek written approval from the Chair before presenting any information.

II. Removal of Council Members

Any Council Member may be recalled or terminated for cause in accordance with these procedures.

- A. A petition stating the case for recall, suspension, or termination and signed by at least a quorum of Council members shall be submitted to the Council at a regular or special meeting.
- B. During such a meeting, a hearing shall be set to take place during the next regular or special general meeting.
- C. The Council member charged in the petition must be notified of the hearing and provided with a copy of the petition at least one week in advance of the hearing. At the hearing the Council member shall be entitled to answer the charges and make his/her own statement.
- D. At least a quorum of Council members must be present during the hearing. A majority vote of those present is necessary for recall, suspension or termination of a member of the Council.
- E. Appropriate subsequent action shall be taken by the Council

III. Officers

- A. The Council shall elect a Chairman and Vice Chairman from the voting membership of the Council and shall elect a Secretary from the voting or nonvoting membership of the Council.

- B. The Chair shall be the principal executive officer of the Council. The Chair shall preside at all meetings. The Chair may sign all instruments as may be authorized by the Council. The Chair shall perform all other duties incident to the office of Chair as prescribed by the Council.
- C. In the absence of the Chair, or in the event of the Chair's inability to serve, the Vice-Chair shall be empowered to perform duties of the Chair. The Vice-Chair shall perform all other duties incident to the office of Vice-Chair as prescribed by the Council.
- D. In the event the Vice-Chair permanently assumes the Chair position, the Council shall elect a Vice-Chair at the following regular Council meeting.
- E. The Chair, Vice-Chair, and Secretary shall serve for two (2) years or until their successors are elected, and their term of office shall begin at the close of the meeting at which they are elected.
- F. No member shall concurrently hold more than one office or serve more than three consecutive terms in the same office.
- G. Administrative duties shall include maintenance of the minutes, record of attendance along with any additional communication directed by the council.

IV. Meetings

- A. The Council shall hold regular meetings at least four (4) times per year. Additional meetings can be held at the call of the Chair. Members shall be notified of meeting dates at least thirty (30) calendar days in advance. When possible, members shall be notified of special meeting dates at least thirty (30) days in advance.
- B. Meetings may be held and attended in person or by teleconference.
- C. A quorum shall consist of the majority of the voting members of the Council, exempting any who has submitted their resignation to the Chair.
- D. Members shall give prior notice to the Secretary when they will not be attending a meeting of the Council.
- E. All members of the Council are encouraged to participate in discussion before the Council. If a specific council member will directly derive income that individual shall abstain from voting on that item.
- F. Proxy voting shall not be permitted. Members must attend the meeting in person or via telephone in order to vote.
- G. The Chair abstains from voting except in the circumstances of a tie vote.
- H. A representative, contractor, or vendor from DHS Behavioral Health Division will be responsible for the minutes of the Council meetings.
- I. All meetings of the Council shall be open to the public.

V. Committees

- A. The Chair shall be empowered to appoint such standing and temporary committees or task forces as may be necessary to carry out the duties and to facilitate the operation of the Council.
- B. The Chair shall be empowered to appoint a Committee chair of each standing or temporary committee or task force created to carry out the duties and to facilitate the operation of the Council.
- C. The representative, contractor, or vendor from DHS Behavioral Health Division shall provide administrative support to all appointed committees and task forces.
- D. An executive committee consisting of the Chair, Vice-Chair, Secretary and the Past-Chair shall be empowered to act on Council emergency business.
- E. The executive committee shall be empowered to manage all Council membership matters, including openings, resignations, coordinated communications with the governor's office, and other such duties.

VI. Parliamentary Authority

- A. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall guide the Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Council may adopt.

VII. Bylaws and Standing Rules

- A. Bylaws of the Council shall become operative upon their ratification by a simple majority vote at that meeting at which they are considered.
- B. Proposed amendments to Council Bylaws shall be distributed to membership of the Council at least thirty days prior to the meeting at which they are to be voted upon.
- C. Any Bylaw of the Council may be suspended at any meeting by a simple majority vote at that meeting at which they are considered.