

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 704

Short Title: Traumatic Brain Injury Advisory Council.

(Public)

Sponsors: Senator Kerr.

Referred to: Health & Human Resources.

April 2, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY  
3 COUNCIL.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 3 of Chapter 143B of the General Statutes is amended  
6 by adding the following new Part to read:

7 "Part 33. North Carolina Traumatic Brain Injury Advisory Council.

8 **"§ 143B-216.65. North Carolina Traumatic Brain Injury Advisory Council -**  
9 **creation and duties.**

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

13 (1) Review how the term 'traumatic brain injury' is defined by the State  
14 and federal regulations and to determine whether changes should be  
15 made to the State definition to include 'acquired brain injury' or other  
16 appropriate conditions.

17 (2) Promote interagency coordination among State agencies responsible  
18 for services and support of individuals that have sustained traumatic  
19 brain injury.

20 (3) Study the needs of individuals with traumatic brain injury and their  
21 families.

22 (4) Make recommendations to the Governor, the General Assembly, and  
23 the Secretary of Health and Human Services regarding the planning,  
24 development, funding, and implementation of a comprehensive  
25 statewide service delivery system.

26 (5) Promote and implement injury prevention strategies across the State.

27 **"§ 143B-216.66. North Carolina Traumatic Brain Injury Advisory Council -**  
28 **membership; quorum; compensation.**

29 (a) The Council shall consist of 25 members, appointed as follows:

- 1           (1) Two members by the General Assembly, upon the recommendation of  
2 the President Pro Tempore of the Senate, as follows:  
3           a. The Executive Director, or designee thereof, of the Brain Injury  
4 Association of North Carolina.  
5           b. A physician, nurse, or other professional coordinator with  
6 expertise in trauma, neurosurgery, neuropsychology, physical  
7 medicine and rehabilitation, or emergency medicine.  
8           (2) Two members by the General Assembly, upon the recommendation of  
9 the Speaker of the House of Representatives, as follows:  
10          a. The Chair of the Board, or designee thereof, of the Brain Injury  
11 Association of North Carolina.  
12          b. A physician, nurse, or other professional coordinator with  
13 expertise in trauma, neurosurgery, neuropsychology, physical  
14 medicine and rehabilitation, or emergency medicine.  
15          (3) Nine members by the Governor, as follows:  
16          a. Three survivors of brain injury, one each representing the  
17 eastern, central, and western regions of the State.  
18          b. Three family members of persons with brain injury.  
19          c. A brain injury service provider in private practice.  
20          d. The director of an area program or county program of mental  
21 health, developmental disabilities, and substance abuse services.  
22          e. The Executive Director, or designee thereof, of the North  
23 Carolina Trial Lawyers Association.  
24          (4) Eight members by the Secretary of Health and Human Services, one  
25 from each of the following:  
26          a. The Division of Mental Health, Developmental Disabilities, and  
27 Substance Abuse Services.  
28          b. The Division of Vocational Rehabilitation.  
29          c. The Council on Developmental Disabilities.  
30          d. The Division of Medical Assistance.  
31          e. The Division of Facility Services.  
32          f. The Division of Social Services.  
33          g. The Office of Emergency Medical Services.  
34          h. The Division of Public Health.  
35          (5) Two by the Superintendent of Public Instruction, at least one of whom  
36 is from the Division of Exceptional Children.  
37          (6) One by the Commissioner of Insurance.  
38          (7) One by the Secretary of Administration representing veterans affairs.  
39          (b) The terms of the initial members of the Council shall commence October 1,  
40 2003. In his initial appointments, the Governor shall designate three members who shall  
41 serve terms of four years, three members who shall serve terms of three years, and three  
42 members who shall serve terms of two years. After the initial appointees' terms have  
43 expired, all members shall be appointed for a term of four years. No member appointed  
44 by the Governor shall serve more than two successive terms.

1        Any appointment to fill a vacancy on the Council created by the resignation,  
2 dismissal, death, or disability of a member shall be for the balance of the unexpired  
3 term.

4        (c) The chair of the Council shall be designated by the Secretary of the  
5 Department of Health and Human Services from the Council members. The chair shall  
6 hold this office for not more than four years.

7        (d) The Council shall meet quarterly and at other times at the call of the chair. A  
8 majority of the Council shall constitute a quorum.

9        (e) Council members shall be reimbursed for expenses incurred in the  
10 performance of their duties in accordance with G.S. 138-5.

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

13                **SECTION 2.** This act is effective when it becomes law.  
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