

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 704
Health & Human Resources Committee Substitute Adopted 4/21/03

Short Title: Traumatic Brain Injury Advisory Council.

(Public)

Sponsors:

Referred to:

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

13 (1) Review how the term 'traumatic brain injury' is defined by State and
14 federal regulations and to determine whether changes should be made
15 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 members by the Superintendent of Public Instruction, at least one
36 of whom is from the Division of Exceptional Children.
37 (6) One member by the Commissioner of Insurance.
38 (7) One member by the Secretary of Administration representing veterans
39 affairs.
40 (b) The terms of the initial members of the Council shall commence October 1,
41 2003. In his initial appointments, the Governor shall designate three members who shall
42 serve terms of four years, three members who shall serve terms of three years, and three
43 members who shall serve terms of two years. After the initial appointees' terms have

1 expired, all members shall be appointed for a term of four years. No member appointed
2 by the Governor shall serve more than two successive terms.

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

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

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

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

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

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