

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

**August 20, 2021
Meeting Minutes**

Call to Order and Welcome: Vice Chairperson Sarah Ring 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.

NDBIAC Voting Members Present: Sarah Ring, Open, Vice Chairperson; Senator Howard Anderson, ND Senate Designee; David Biberdorf, General; Jean Herauf, Open; Austyn Kloehn, Service Provider; Skipp Miller, Indian Affairs; Shannon Cook, Survivor.

NDBIAC Non-voting Members Present: Denise Harvey, Protection and Advocacy Project, Secretary; Dawn Pearson, Department of Human Services - Medicaid; Deanna, Department of Health – Injury Prevention; Christine Greff, Department of Health – Trauma and Emergency Medical Services; Haley Lang, Department of Public Instruction.

Presenters and Professional Support: Rebecca Quinn, ND Brain Injury Network; Jenn Faul, PMHCAP; and Tami Conrad, Department of Human Services.

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, Vice Chairperson Ring declared the presence of a quorum of voting members and total members, respectively.

Approval of Agenda. Vice Chairperson Ring entertained consideration of the August 20, 2021, meeting [Agenda](#). Mr. Gallagher previewed the meeting’s content and presenters.

DENISE HARVEY MADE AND JEAN HERAUF SECONDED A MOTION TO ADOPT THE AUGUST 20, 2021, MEETING AGENDA, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY. VICE CHAIRPERSON RING ANNOUNCED THE PASSAGE OF THE MOTION AND DECLARED THE APPROVAL OF THE AGENDA.

Approval of Minutes. Vice Chairperson Ring entertained consideration of the [May 21, 2021, meeting minutes](#).

AUSTYN KLOEHN MADE AND SENATOR HOWARD ANDERSON SECONDED A MOTION TO ADOPT THE MAY 21, 2021, MEETING MINUTES, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY. VICE CHAIRPERSON RING ANNOUNCED THE PASSAGE OF THE MINUTES.

ADA and Traumatic Brain Injury Act, Anniversary. Greg Gallagher and Rebecca Quinn provided a brief history of the American Disabilities Act (<https://adaanniversary.org>) and the Traumatic Brain Injury Act (<https://www.biausa.org/public-affairs/public-policy/traumatic-brain-injury-act>), acknowledging the importance of these two laws in recognizing and providing funding for services to individuals with brain injuries and their families. These two laws lay forth essential principles, safeguards, and program elements for brain injury services, critical to the activities of the BIAC.

WHODAS Eligibility Cut Score Update.

Medicaid Rehabilitation Services Communications Strategy.

Mr. Gallagher, on behalf of Vice Chairperson Ring, recognized Dawn Pearson to provide an update on an anticipated change to the WHODAS eligibility cut score, which the BIAC reviewed during its [May 21, 2021, meeting](#). Ms. Pearson noted that the DHS is proceeding with an amendment to the state's Medicaid program, including lowering the WHODAS score from 50 to 25, pending the review and approval of the Centers for Medicare and Medicaid Services (CMS). Ms. Pearson presented a [summary comparison](#) between Medicaid 1915(i) Program and Medicaid Rehabilitative Services Program, including referencing the state's [provider administrative manual](#) for all Medicaid services, outlining the various eligibility criteria, services, and private provider reimbursements provided by Medicaid.

BIAC members observed that during the May 21, 2021, and August 20, 2021, BIAC discussions, the issues of adopting an appropriate WHODAS score and setting transparent eligibility criteria underscore the importance of securing navigation support services for both individuals seeking services and professional providers applying for reimbursement authority within a complex system. The system's complexity requires the assistance of DHS staff or contracted staff to help individuals apply for services or to become a qualified provider. Although recent presentations on Medicaid Rehabilitative and Cooperative Care Services have been welcomed by both providers and advocates, many seasoned professionals and advocates have been surprised by these previously unknown or under-appreciated options. Establishing navigation support is an essential service that should be provided to individuals and providers.

Members noted that in prior presentations brain injuries have been characterized as falling within the canopy of behavioral health services that can be covered by Medicaid Rehabilitative Services. Members expressed an interest in learning more about the intricacies of Medicaid coverage across its various programs, as they relate to brain injuries. Members also observed there is an evident need to confirm the status of brain injury eligibility for Medicaid Rehabilitative Services.

Pediatric Mental Health Care Access Program, Project Update and BHPC Consultation.

Assessing and Unleashing CPT Coding Opportunities. Jennifer Faul, PMHCAP Coordinator.

Mr. Gallagher introduced Jenn Faul, Coordinator of the Pediatric Mental Health Care Access Program, managed within Sanford Health Systems through the Department of Health, to provide an overview of the PMHCAP and its relationship to the BIAC's initiatives. Ms. Faul expressed her appreciation for the opportunity to present before the BIAC and proceeded to provide a prepared [program summary report](#) to the BIAC members. The summary report provides a broad overview of the program's activities, including updates on the [2021 Pediatric and Primary Care Behavioral Health Symposium](#) and the periodic [ECHO training sessions](#).

Ms. Faul stated that in standing up the PMHCAP program and enhancing the capacity of the behavioral health system, she was able to initiate with the assistance of the DHS the use of Medicaid Cooperative Care Services reimbursement codes to allow for the payment of coordination services among professional providers, even providers in different service

organizations. Such reimbursement coding improves care coordination among professionals and constitutes a meaningful program accomplishment.

Ms. Faul and Rebecca Quinn stated that, together, they have been working closely with Dr. Bevin Croft, Human Services Research Institute, to integrate brain injury initiatives with the state's [behavioral health strategic plan](#). Members expressed an interest in learning more about the integration of brain injury across the behavioral health strategic plan.

Vice Chairperson Ring thanked Ms. Faul for her presentation.

Updates from Standing Subcommittees

- Continuum of Care Subcommittee: August 12, 2021
- Education and Awareness Subcommittee: August 16, 2021

Mr. Gallagher placed into the record the August 12, 2021, [Continuum of Care Subcommittee meeting minutes](#) and the August 16, 2021, [Education and Awareness Subcommittee meeting minutes](#). Both subcommittees provided input to Rebecca Quinn, Brain Injury Network, regarding provisions to be placed within the state's application for the Traumatic Brain Injury State Partnership Grant, in support of systemic enhancements to the state's brain injury programming. The subcommittees also reviewed a proposal regarding the realignment of BIAC members and roles, following the passage of SB 2039 at the 2021 Legislative Session. Both subcommittee minutes document the BIAC's commitment to support the Brain Injury Network's grant application and support for an emerging membership proposal.

Traumatic Brain Injury State Partnership Grant, Department of Health and Human Services, Administration for Community Living: Rebecca Quinn
(<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

Rebecca Quinn announced that the ND Brain Injury Network, through the ND Department of Human Services, is still awaiting word whether it has been selected to receive a special five-year grant, titled the Traumatic Brain Injury State Partnership Program, administered within the Department of Health and Human Services, Administration for Community Living (<https://www.grants.gov/web/grants/view-opportunity.html?oppld=330741>). Ms. Quinn has received word that certain states have received their award; however, ND has not received any notification at this point. Ms. Quinn stated that she remains optimistic about the prospects of the state being awarded a grant, based on discussions with federal grants managers regarding the state's application. This grant provides resources to states to conduct statewide traumatic brain injury systemic improvements. ND has not been a recipient of this specific systems grant since 2010. Ms. Quinn noted that with the receipt of this grant the BIAC would play an active role, providing counsel and direct assistance to the ND BIN throughout the duration of the grant and to serving as the principal advisory body in the administration of the grant.

Although program operations and budgets would need to be finalized following any award notice, this grant would span five years, requiring at least 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, describing 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.

Ms. Quinn stated that if the state receives a grant award, she will bring forward a series of proposals for consideration by the BIAC, some which might impact the operations of the BIAC, as an advisory body to the state, and some that entail program initiatives. Members offered congratulations to Ms. Quinn for submitting the grant application and expressed their willingness to provide any required assistance to the effort, pending final notification.

Realigning BIAC Membership Slots and Redefining Roles: Tami Conrad and Greg Gallagher (<https://apps.nd.gov/gov/boards>). Tami Conrad and Greg Gallagher reported on the results of an August 11, 2021, meeting with Maria Neset, Governor’s Office, regarding the process and current standing of BIAC member appointments. Ms. Conrad and Mr. Gallagher expressed satisfaction with the meeting’s results, including a member-by-member review of eligibility, interest in remaining a BIAC member, and the manner of identifying, nominating, and approving future members.

In respective meetings of the [BIAC – CC Subcommittee](#) and the [BIAC – EA Subcommittee](#), members discussed the possibility of petitioning the Governor’s Office to amend the current online candidate application form, allowing for applicants to clearly identify the council on which they wish to serve, and the specific role (e.g., survivor, family, provider, etc.) they wish to represent on the designated council (e.g., BIAC). Members discussed whether the BIAC might draft and submit a formal letter of recommendation to Ms. Neset seeking amendments to the online application form to accomplish these improvements in the selection process.

The full membership of the BIAC concurred with this recommendation.

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 presented to the BIAC members a [Proposal](#) to reconcile the requirements of [NDCC 50-06.4-10](#) with the ultimate appointment of BIAC members. Members reviewed the details of the proposal and the effect the proposal might have on BIAC membership balance and operations. Members noted the following:

- The proposal complies fully with the requirements of NDCC 50-06.4.10.

- The proposal achieves a principal goal of clarifying voting-member status among representative interests.
- The proposal achieves a minimum representation of survivor and family interests, marking a >50% representation goal.
- The proposal generates another membership slot, previously not exercised, producing a full contingent of eleven voting members.
- Members noted that both Jean Herauf and David Biberdorf have confirmed their intent to relinquish their seats on the Council to allow for two additional survivor or family representatives to assume a seat on the Council.

Mr. Gallagher noted that the BIAc may need to amend its bylaws to incorporate the new provisions within NDCC 50-06.4-10.

Members uniformly expressed support for the proposal as put forth without further amendment. Vice Chairperson Ring entertained BIAc member recommendations to formalize agreement on the adoption of the proposal.

SKIPP MILLER MADE AND JEAN HERAUF SECONDED A MOTION TO ADOPT THE COMPREHENSIVE [BIAc MEMBERSHIP PROPOSAL](#) BROUGHT FORWARD BY BOTH THE BIAc – CONTINUUM OF CARE SUBCOMMITTEE AND THE BIAc – EDUCATION AND AWARENESS SUBCOMMITTEE. THE MOTION PASSED UNANIMOUSLY. VICE CHAIRPERSON RING ANNOUNCED THE PASSAGE OF THE MOTION AND DECLARED THE ADOPTION OF THE PROPOSAL.

Members identified a need to establish a standing committee to manage future BIAc membership openings, resignations, and discussions with the Governor’s Office regarding a coordinated management of membership review. Members noted that the BIAc Executive Committee was well positioned to assume this responsibility.

SENATOR HOWARD ANDERSON MADE AND SKIPP MILLER SECONDED A MOTION TO ASSIGN TO THE BIAc EXECUTIVE COMMITTEE THE RESPONSIBILITY TO MANAGE ALL BIAc MEMBERSHIP MATTERS, INCLUDING OPENINGS, RESIGNATIONS, COORDINATED COMMUNICATIONS WITH THE GOVERNOR’S OFFICE. THE MOTION PASSED UNANIMOUSLY. VICE CHAIRPERSON RING ANNOUNCED THE PASSAGE OF THE MOTION AND DECLARED THE ADOPTION OF THE PROPOSAL.

Mr. Gallagher observed that with the passage of the two motions, concerning the adoption of a membership proposal and the assignment of membership responsibilities to the BIAc Executive Committee, it would be advisable for the BIAc Bylaws to be amended to incorporate the changes in state law and the assignment of duties to the Executive Committee. Vice Chairperson Ring instructed Mr. Gallagher to prepare any amendments to the BIAc Bylaws for the November 19, 2021, BIAc Meeting, for a first reading consideration.

Vice Chairperson Ring proposed and members agreed that BIAc members should regularly identify and encourage the application of prospective members, ensuring a sufficient pool of worthy applicants for consideration by the BIAc Executive Committee and final approval by the Governor’s Office.

Interim Legislative Committee Strategy. BIAc Membership

- [Legislative Management Rules of Operations](#), June 9, 2021
- [Acute Psychiatric Treatment Committee](#), July 29, 2021
- [Education Policy Committee](#), July 20, 2021
- [Human Services Committee](#), August 3, 2021

- [Judiciary Committee](#), August 11, 2021
- [Health Care Committee](#), August 4, 2021

Mr. Gallagher placed before the members a list of Interim Legislative Committees, including direct links to each Committee's workload, who carry studies which may have some direct or indirect impact on brain injury services across a broad range of perspectives, from health to human services to education to justice system concerns. Mr. Gallagher stated that BIAC members may wish to monitor the proceedings of these various Committees during the 2021-2022 interim committee session.

Standing Agency Reports.

Update from Department of Health. No report was submitted by the Department of Health.

Update from Department of Human Services. Tami Conrad reported that the 2021 Behavioral Health Conference will be held in Bismarck and online from October 26-27, 2021. Community Connect, a new program loosely related to Free Through Recovery, has initiated operations. The mission of [Community Connect](#) is to provide quality, community-based behavioral health services to meet the needs of each person through care coordination, peer support, and recovery services. Ms. Quinn remarked that brain injury screenings are an integral component of Community Connect.

Update from Department of Public Instruction. No report was submitted by the Department of Human Services.

Standing Report on Learning Collaborative. Rebecca Quinn reported that the Learning Collaborative has been retired, effective August 19, 2021, and no further reports will be forthcoming. Ms. Quinn recommended that the standing report from the Learning Collaborative be removed from future BIAC agenda.

Public Comments. Mr. Gallagher, on behalf of Vice Chairperson Ring, invited any members of the public to offer comments to the BIAC. No members of the public stepped forward to provide testimony. Vice Chairperson Ring closed the public comments session.

Next Steps Summary. Mr. Gallagher introduced 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.

Future Meeting Dates. Mr. Gallagher stated that the Continuum of Care Subcommittees and Education and Awareness Subcommittees will set their respective meeting dates via a Doodle poll conducted at approximately mid-point between meetings. Members should be attentive for forthcoming announcements.

2021 Meeting Dates. Mr. Gallagher reminded members that the remaining dates for BIAC meetings throughout 2021 include the following:

- November 19, 2021.

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, Vice Chairperson Ring entertained a motion to adjourn.

SKIPP MILLER MADE AND JEAN HERAUF SECONDED A MOTION TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

Vice Chairperson Ring declared the meeting adjourned at 3:53 PM, CT.

Respectfully submitted,

Greg Gallagher
Deputy Director
Consensus Council, Inc.

APPENDIX ATTACHMENTS NOTED IN TEXT

APPENDIX A

Brain Injury Advisory Council Meeting

Friday, August 20, 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, August 20, 2021
1:00 PM – 4:00 PM., CT

AGENDA

- 1:00 PM **Call Meeting to Order**
Welcome and Roll Call via Video Login
Quorum
- Approve Agenda:** August 20, 2021
- Approve Minutes:** May 21, 2021
- 1:10 PM **Traumatic Brain Injury Act, 25th Anniversary.**
- WHODAS Eligibility Cut Score Update.**
- Medicaid Rehabilitation Services Communications Strategy.**
- 1:30 PM **Pediatric Mental Health Care Access Program, Project Update and BHPC Consultation:** Kim Mertz, Department of Health; Jennifer Faul, PMHCAP Coordinator
- Assessing and Unleashing CPT Coding Opportunities.**
- 2:00 PM **Updates from Standing Subcommittees**
- Continuum of Care Subcommittee: August 12, 2021
 - Education and Awareness Subcommittee: August 16, 2021
- Traumatic Brain Injury State Partnership Grant, Department of Health and Human Services, Administration for Community Living: Rebecca Quinn** (<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
- 2:30 PM **Realigning BIAC Membership Slots and Redefining Roles:** Tami Conrad and Greg Gallagher (<https://apps.nd.gov/gov/boards>).

- 3:00 PM **Interim Legislative Committee Strategy.** BIAc Membership
- [Legislative Management Rules of Operations](#), June 9, 2021
 - [Acute Psychiatric Treatment Committee](#), July 29, 2021
 - [Education Policy Committee](#), July 20, 2021
 - [Human Services Committee](#), August 3, 2021
 - [Judiciary Committee](#), August 11, 2021
 - [Health Care Committee](#), August 4, 2021

Update from Department of Health
Update from Department of Human Services
Update from Department of Public Instruction
Standing Report on Learning Collaborative

Open Discussion

- 3:45 PM **Public Comments**

Next Steps: Greg Gallagher.

2021 Meeting Dates

- November 19, 2021.

- 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. 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:

Consensus Council is inviting you to a scheduled Zoom meeting.

Topic: BIAc Business Meeting

Time: Aug 20, 2021, 01:00 PM Central Time

Join Zoom Meeting

<https://us02web.zoom.us/j/82257817606>

Meeting ID: 822 5781 7606

Phone Connection Option: 1-346-248-7799

