

**Brain Injury Advisory Council Meeting
Center for People in Need
Lincoln, NE
September 26, 2014**

Public notice of upcoming meetings will be available on the Department of Education website under "conferences & meetings" at least 10 days prior to each meeting.

MEMBERS PRESENT: Tiffany Armstrong, Rose Dymacek, Pattie Flury, Gary Hausmann, Michelle Hawley-Grieser, Brett Hoogeveen, Dale Johannes, ML Lehman, Lori Terryberry-Spohr, Frank Velinsky, Judy Vohland

MEMBERS ABSENT: Mary Gordon, Karen Hux

STAFF PRESENT: Keri Bennett, Ashley Hernandez, Nancy Noha, Angie Ransom

VISITORS PRESENT: Joyce Schmeackle, Will Schmeackle, Kim Hall, Michael Staebell, Rich Tesarek, Peggy Reisher

The meeting of the Nebraska Brain Injury Advisory Council commenced at 10:15 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site.

AGENDA APPROVAL

The agenda for the day was reviewed. A motion was made by Dale Johannes and seconded by Brett Hoogeveen to approve the agenda as submitted. There were no objections to the motions. **The motion carried by unanimous consent.**

APPROVAL OF JUNE 27, 2014 MEETING MINUTES

The minutes of June 27, 2014 were reviewed. A motion was made by Frank Velinsky and seconded by Dale Johannes to approve the June 27, 2014 meeting minutes as submitted. There were no objections to the motion. **The motion carried by unanimous consent.**

OPEN MEETINGS ACT

Tiffany Armstrong announced that the meeting was an open meeting and the Open Meetings Law was posted on the back table.

PUBLIC COMMENT

Tiffany Armstrong reported the council was asked to write letters of support for grant applications submitted by Karen Hux and DHHS, Medicaid and Long-term Care. Keri stated there are some free materials available for members on the side table. Pattie Flury brought in a large news article from the Lincoln Journal Star's Sunday paper which was all about brain injury. Dale Johannes shared that the September issue of Time Magazine has an article regarding brain injury that is very good.

TBI GRANT EVALUATION PLAN & DATA COLLECTION

Joyce Schmeeckle shared with council members a copy of the Project Logic Model for the grant. Also included in the paperwork provided were the HRSA grant requirements for data collection and the primary stakeholders and what needs to be collected from them. Joyce stated the work plan is fairly divergent but they are working to make the data collection as easy as possible for those involved. Joyce shared there will be some evaluations provided as a baseline at the beginning of the process, possibly midway through the process and as well as at the conclusion. Keri Bennett reported the reason there is an external evaluator is because the grant data collection and reporting requirements are very extensive. Keri stated this service will be very helpful in grant work. Dale Johannes asked if any assessment of data with older adults and falls is being conducted. Will stated they have done some data collection with Injury Prevention's Thai Chi programs and Step On programs geared to decrease falls in older adults and they have seen positive results. Joyce stated if there are any questions related to the work plan or needs for data they are able to assist and share their assessment tools. Frank asked if they feel confident that the data they are collecting is accurate state wide. Joyce shared that in regards to sports concussions in schools etc they have data of those who are reported but there is likely cases that go unreported. Joyce mentioned it is likely that most long term care facilities for elderly are not screening for traumatic brain injury. Angie Ransom shared that with the website Google Analytics is used and its information can be shared for data collection. Angie shared that Google Analytics can pull information for demographics for all website viewers as well as what pages are looked at for how long and what are the most used web pages. Joyce stated she is interested in this data and would be open to any additional data council members may have. Lori shared that Madonna could contribute to the data collection for the area moderate to severe pediatric traumatic brain injury. Joyce said there are challenges with reporting in data collection but it is improving and being worked through. Keri shared she wanted to direct members' attention to the outcomes listed on the Logic Model where results of these goals can be measured to see that a positive difference is being made. Joyce stated an important aspect is screening, getting entities to screen and then report the findings of those screenings.

PRESENTATION ON THE FAIR LABOR STANDARDS ACT

Keri Bennett introduced Michael Staebell and Rich Tesarek from the Department of Labor who are presenting on the home care final rule and its effects on those with brain injury. Michael shared copies of his PowerPoint presentation to all council members. Michael stated the new home care law has not yet gone into affect but will affect those who are working as companions and care givers working in the homes of those with brain injury. Michael stressed that domestic service workers must adhere to minimum wage and overtime requirements but those who live-in do not apply. Michael shared some workers previously classified as companionship service providers will remain exempt while others will be required to receive overtime pay. Michael reported these changes were made because so many more persons are receiving home care today then were years ago. New rules will go into effect on January 1, 2015. Those who are privately arranged by family for companionship services are still exempt but those who are employed by third party providers are required to be paid overtime and minimum wage. The exemption is only available to the consumer or the consumer's family or household. Care includes all household activities or chores other than fellowship and protection; this does not include medically related services. If a home care worker spends more than 20% of their time in care work they no longer qualify for the companionship exemption. Medical related services that typically require trained personnel are entitled to minimum wage and overtime, which is not new. Registry services are usually not viewed as an employer unless they are involved in an ongoing way. Contact the Omaha office for more information at 402-221-4682.

BI ADVISORY COUNCIL MEMBERSHIP/EXPIRATIONS

Tiffany shared that herself, Dale, Mary and Lori all have expiring terms in October based on the staggering expirations stated in the council by-laws. Tiffany shared there is currently no policy in the bi-laws establishing how to handle the expirations themselves. Tiffany shared that currently members are asked if they would like to return. It was proposed by Tiffany if a member does want to return to establish some type of vote to see if current members want the member to return. The question was posed if there would be an advantage to bring in new members after member expiration for new perspectives. Lori shared it depends on the investment of the members and if they are dedicated to the cause. There currently is no cap on the number of terms a member can fill. Currently the bi-laws state there can be 15 members and a draft is up for approval to increase that number to 17. Keri also reminded the council there is no limit or rules on the number of non-voting technical advisors the council can have.

A motion to add to the council by-laws that when member expirations occur members will be asked if they wish to continue and then voted on by the council via private ballot. Brett Hoogeveen motioned this by-law be drafted, Frank Velinsky seconded the motion. There were no objections to the motion.
The motion carried by unanimous consent.

Tiffany Armstrong reported that council member Tiffany Verzal has resigned from the council and her position will need to be filled.

Tiffany shared with the council a proposed amendment to the by-laws drafted by the executive committee to add two additional voting members which include a member of an organization or foundation representing individuals with brain injury in the state, and a representative of Nebraska's Injury Prevention and Control Program to the council. Frank Velinsky moved that the council approve the amendment, ML Lehman seconded the motion.

VOTE:

Aye - Armstrong, Dymacek, Flury, Hausmann, Hawley-Grieser, Hoogeveen, Johannes, Lehman, Terryberry-Spohr, Velinsky, Vohland

Nay - None

Abstain – None

Absent – Gordon, Hux

The motion carried.

COMMITTEE UPDATES

Senior Task Force

Dale Johannes reported he attended the older adults falls coalition meeting. Dale reported the meeting was very interesting and stressed what a large issue elderly falls is. Dale shared that Falls Prevention Day is occurring today on East Campus of UNL. Dale shared the coalition is open to and encourages new members.

Children and Youth

Rose Dymacek reported the BIRSST teams are currently contacting schools to inform them about concussion awareness and that is going well. Rose stated BIRSST team training occurred August 20th & 21st and was well received.

Council Wellness Committee

Tiffany Armstrong presented the BI Advisory Council Membership PowerPoint that was created for new members. Tiffany shared that voiceover could be added to the presentation for those who are not able to attend an orientation meeting. Angie Ransom stated the PowerPoint could be added to the website. Tiffany stated the PowerPoint itself may not be useful without voiceover to explain the slides and the more thorough notes that coincide with the slides. Tiffany shared if members can attend an in person orientation prior to a meeting that is the most effective, but someone from a long distance may not be able to travel. Angie shared they have used Skype for meetings in the past but it does have technical difficulties. Angie stated the Nebraska VR conferencing system does work very well and a member in another VR office would be able to see and hear well as well as see any presented materials. Lori shared she thinks it will be difficult for someone to stay engaged in a meeting for five hours electronically.

Resource Facilitation Steering Committee

Keri Bennett reported there was good representation at the initial meeting. The meeting was attended by Frank Velinsky, Gina Simanek, Kim Hall and Nancy Noha. Three things that were discussed were identifying stakeholders for representation, discussing work group operations and how to report on the progress of the committee to the BI advisory council. Minutes were taken at the meeting and will be distributed by email to council members.

BIA-NE AND TBI OMBUDSPERSON QUARTERLY REPORT

A written report was provided by BIA-NE including the NBIIC Data Set for the reporting period of June 2013 – May 2014. Some highlights mentioned by Peggy Reisher regarding the report were:

- “Forever Shaken” is being aired on public television and sharing additional awareness through hospitals.
- Additional signs for concussion awareness are being put up around Lincoln and Omaha. Lincoln is looking for additional sponsorship for signs with LPS.
- Annual conference is being planned for April 16th & 17th in Kearney.
- Working on outreach to club sports programs and sent all clubs a survey on concussion care. Results showed that less than 48% of club programs are meeting the federal guidelines.
- Have been asked to join the affordable care act steering committee headed by Senator Campbell.
- There is an average 2.9 calls per caller to the Ombudsperson, which is great on average compared to other states.

TBI REGISTRY REPORT

Nancy Noha reported and shared a draft of the TBI registry report. The report will be distributed and posted on the website. When finalized the PDF report will be shared with council members who can pass the report along to any interested parties. Council members shared concerns about the confidentiality of caller stories on the draft. Keri shared this report has been done annually but has not included caller stories in the past. Keri proposed that instead of providing a personal caller story a list of the types of referrals that were made could be provided. It was determined by council members that any regional information or age information of callers should be removed from the stories. Members discussed that caller stories should not be shared unless releases were signed. More general statements of types of calls could be reported in place of the caller stories. Nancy stated she will develop something in place of the caller stories and send out a new draft for review.

CMS HCBS RULES & NEBRASKA'S TRANSITION PLAN

Pattie Flury shared handouts on HCBS Waivers State Transition Plan to the council as well as links to the full transition plan online. She shared they will be focusing on researching assistive living facilities to ensure they are operating as independent living and not operating as an institution. Patty it is necessary to make sure that the processes of the assistive living communities are in line with home based living. The main question is, "Are you treated like this is your home when you live in an assisted living setting?" Deadline for comments for the transition plan is October 18th. Employment guidance has not been released yet, currently only residential guidance has been released. Patty stated at the upcoming four comment sessions there will be an overview at the beginning of each session to explain the transition plan draft.

HRSA TBI GRANT ACTIVITIES UPDATE

Keri Bennett reported that people are being interviewed for the part time person who will work in training curriculum review. The BIRSST training in August was very successful and all results were positive. Keri reported carry over funds from the past grant are being used to modify training modules for the website. Keri stated the resource facilitation steering committee is in action and will be catching up quickly.

Pattie Flury reported that Nebraska's BIP (balanced incentive program) grant was approved. The goal of the grant is to move more services into home and community based services. Patty stated the grant does bring a lot of funds into the state but does require a lot of changes and modifications to existing program. All funds from the BIP grant will be spent on services.

MEETING DATES

Meeting dates were reviewed. Upcoming meetings are scheduled for:

- December 12th, 2014
- March 13th, 2015

ADJOURN

The next meeting is scheduled for December 12, 2014, in Lincoln. The meeting adjourned at 3:05 p.m. with a motion made by Frank Velinsky and seconded by Dale Johannes. There were no objections to the motion. **The motion carried by unanimous consent.**