A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE BRAIN INJURY ADVISORY COUNCIL.

The General Assembly of North Carolina enacts:

SECTION 1. Part 33 of Article 3 of Chapter 143B of the General Statutes reads as rewritten:


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

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

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

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

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

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


(a) The Council shall consist of twenty-nine members, twenty-three voting and nine ex officio nonvoting members, appointed as follows:

(1) Three members by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, as follows:

a. The Executive Director, or designee thereof, of the Brain Injury Association of North Carolina.

b. A representative of the North Carolina Medical Society or other organization with interest in brain injury prevention or treatment.

c. A physician with expertise in trauma, neurosurgery, neuropsychology, physical medicine and rehabilitation, or emergency medicine.
medicine. One at-large member who shall be a veteran or family
member of a veteran who has suffered a brain injury.

(2) Three members by the General Assembly, upon the recommendation of the
Speaker of the House of Representatives, as follows:

a. The Chair of the Board, or designee thereof, of the Brain Injury
   Association of North Carolina. One at-large member who may have
   experience as a school nurse or rehabilitation specialist.

b. A nurse with expertise in trauma, neurosurgery, neuropsychology,
   physical medicine and rehabilitation, or emergency medicine. A
   representative of the North Carolina Hospital Association or other
   organization interested in brain injury prevention or treatment.

c. A physician with expertise in trauma, neurosurgery,
   neuropsychology, physical medicine and rehabilitation, or emergency
   medicine.

(3) Eleven

   Thirteen members by the Governor, as follows:

a. Three survivors of brain injury, one each representing the eastern,
   central, and western regions of the State.

b. Three family members of persons with brain injury, with
   consideration for geographic representation.

c. A brain injury service provider in private practice in the private sector.

d. The director of an area program or county program a local
   management entity of mental health, developmental disabilities, and
   substance abuse services.

e. The Executive Director, or designee thereof, of the North Carolina
   Academy of Trial Lawyers, North Carolina Advocates for Justice.

f. The Executive Vice President, or designee thereof, of the North
   Carolina Medical Society. The Executive Director, or designee
   thereof, of the Brain Injury Association of North Carolina.

g. The President, or designee thereof, of the North Carolina Hospital
   Association. The Chair of the Board, or designee thereof, of the Brain
   Injury Association of North Carolina.

h. The Executive Director, or designee thereof, of the North Carolina
   Protection and Advocacy System.

i. One stroke survivor, as recommended by the American Heart
   Association.

(4) Nine ex officio members by the Secretary of Health and Human
   Services, one from each of the following as follows:

a. The Division of Mental Health, Developmental Disabilities, and
   Substance Abuse Services.

b. The One member from the Division of Vocational Rehabilitation.

c. The One member from the Council on Developmental Disabilities.

d. The One member from the Division of Medical Assistance.

e. The Two members from the Division of Health Service Regulation.

f. The One member from the Division of Social Services.

g. The One member from the Office of Emergency Medical Services.

h. The One member from the Division of Public Health.

(5) Two members by the Superintendent of Public Instruction, at least one of
    whom is ex officio, nonvoting, and employed with from the Division of
    Exceptional Children.

(6) One member by the Commissioner of Insurance, or the
    Commissioner's designee.
(7) One member by the Secretary of Administration representing veterans affairs.

(b) The terms of the initial members of the Council shall commence October 1, 2003. In his initial appointments, the Governor shall designate four members who shall serve terms of four years, four members who shall serve terms of three years, and three members who shall serve terms of two years. After the initial appointees' terms have expired, all members shall be appointed for a term of four years. No member appointed by the Governor shall serve more than two successive terms.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. Terms for ex officio, nonvoting members do not expire.

(c) The initial chair of the Council shall be designated by the Secretary of the Department of Health and Human Services from the Council members. The chair shall hold this office for not more than four years. Subsequent chairs will be elected by the Council.

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

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

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

SECTION 2. This act is effective when it becomes law. Each appointment made under G.S. 143B-216.66, as enacted by this act, shall become effective at the expiration of the term of the member serving on the Council prior to the effective date of this act.