

BRAIN INJURY OVERSIGHT COMMITTEE BYLAWS

ARTICLE ONE – NAME OF COMMITTEE

The name of the committee is the Brain Injury Oversight Committee, hereinafter referred to as the committee.

ARTICLE TWO – AUTHORITY AND PURPOSE

The purpose of the committee, as stated in Nebraska Revised Statute 71-3704, is to:

- Provide financial oversight and direction to the University of Nebraska Medical Center in the management of the Brain Injury Trust Fund.
- Develop criteria for expenditures from the Brain Injury Trust Fund.
- Represent the interest of individuals with a brain injury and their families through advocacy, education, training, rehabilitation, research, and prevention.

CONTRACT PRIORITIES: As stated in Nebraska Revised Statute 71-3705, the fund shall be administered through a contract with the University of Nebraska Medical Center for administration, accounting, and budgeting purposes, and used to pay for contracts for assistance for individuals with a brain injury with outside sources that specialize in the area of brain injury. Such outside sources shall operate, at a minimum, statewide, and also in targeted areas as defined and determined in the contract, with individuals with brain injury; work to secure and develop community-based services for individuals with a brain injury; provide support groups and access to pertinent information, medical resources, and service referrals for individuals with a brain injury; and educate professionals who work with individuals with a brain injury.

EXPENDITURE PRIORITIES: As stated in Nebraska Revised Statute 71-3705, expenditures from the fund will include, but not be limited to:

- Resource facilitation. Resource facilitation shall be given priority and made available to provide ongoing support for individuals with a brain injury and their families for coping with brain injuries. Resource facilitation may provide a linkage to existing services and increase the capacity of the state's providers of services to individuals with a brain injury by providing brain-injury-specific information, support, and resources and enhancing the usage of support commonly available in a community. Agencies providing resource facilitation shall specialize in providing services to individuals with a brain injury and their families;
- Voluntary training for service providers in the appropriate provision of services to individuals with a brain injury;
- Follow-up contact to provide information on brain injuries for individuals on the brain injury registry established in the Brain Injury Registry Act;
- Activities to promote public awareness of brain injury and prevention methods;

- Supporting research in the field of brain injury;
- Providing and monitoring quality improvement processes with standards of care among brain injury service providers; and
- Collecting data and evaluating how the needs of individuals with a brain injury and their families are being met in this state.

ARTICLE THREE - APPOINTMENT AND MEMBERSHIP

The committee shall be appointed by the Governor of Nebraska and comprised of nine public members and the following directors, or their designees: The Commissioner of Education, the Director of the Division of Behavioral Health of the Dept. of Health and Human Services, and the Director of Public Health of the Dept. of Health and Human Services. The Governor shall appoint the nine public members which shall include individuals with a brain injury or family members of individuals with brain injury, a representative of a public or private health-related organization, a representative of a developmental disability advisory or planning group within Nebraska, a representative of service providers for individuals with a brain injury, and a representative of a nonprofit brain injury advocacy organization. At least one member of the committee shall be appointed from each congressional district.

CONFLICTS OF INTEREST: The Chairperson shall cause members to report any known potential conflicts of interest in written statements kept and monitored by the Secretary. Additionally, when a vote arises before the committee that presents a real or perceived conflict of interest, this conflict will be identified, and the Chairperson shall decide whether the member may participate in the vote. In the case that the Chairperson has a conflict of interest, he/she will report that to the Vice-Chairperson, and the Vice-Chairperson shall decide whether the member may participate in the vote. In all cases, the public good is the highest concern for the Committee.

RESIGNATION: A member may resign by providing a written statement to the Chairperson who will notify the Governor.

ARTICLE FOUR – LENGTH OF TERM

The Governor shall designate the initial terms so that three members serve one-year terms, three members serve two-year terms, and three members serve three-year terms. Their successors shall be appointed for four-year terms. Any vacancy shall be filled from the same category for the remainder of the unexpired term. Through 2024, any member of the committee shall be eligible for reappointment. After 2024, members will serve four-year terms, not to exceed three consecutive terms. The Executive Committee will track committee member terms, communicate with the committee member when their term is up, and confirm whether the member wants to seek reappointment, if they are eligible for reappointment. The Executive Committee shall submit the names to the Governor for reappointment. The member needs to reapply through the Governor’s office.

ARTICLE FIVE – VOTING

QUORUM: A simple majority of committee members present in person or electronically at any called meeting shall be a quorum. If a quorum exists at the beginning of a meeting and members leave during the meeting, causing the loss of quorum, the chair should state the loss of quorum before taking any vote. Other members may also make a point of order about the loss of quorum, but only when other members are not speaking.

In the absence of a quorum, the Executive Committee may take only necessary actions.

VOTING: Issues coming before the committee to be voted upon shall be determined by a simple majority of the members present. Voting by proxy is not allowed.

ARTICLE SIX – MEETINGS

OPEN MEETINGS ACT: The Brain Injury Oversight Committee is subject to the Nebraska Open Meetings Act as outlined in Neb. Rev. Stat. §84-1407 to §84-1414.

ELECTRONIC CONFERENCING: When necessary, the committee will work to utilize videoconferencing or teleconferencing to accommodate members who reside outside of the vicinity of the regular meeting locations. Members may be asked to assist in the videoconference arrangements to adhere to statutory requirements.

FREQUENCY: The committee shall meet at least four times each calendar year and at any other time as the business of the committee requires. The committee meeting shall take place as determined by the chairperson.

NOTICE: Notice shall be provided to the committee and the general public at least 10 days prior to the scheduled meeting. Public notice of meetings shall be posted on the State Public Events Calendar and the website of the University of Nebraska Medical Center. Notices of meetings shall include the proposed agenda. The contents of the agenda shall comply with the Open Meetings Act. Supporting materials to the meeting will be sent electronically to members and available to the general public upon request to UNMC.

CONDUCT: Meetings shall be conducted in compliance with the Nebraska Open Meetings Act. At least one copy of all reproducible material to be discussed at a meeting shall be available to the public at the meeting. The most recent edition of Roberts Rules of Order shall govern the meeting process.

ATTENDANCE: Any committee member who is absent from either three consecutive meetings or five regular meetings of the committee during any twelve-month period may be asked by the executive committee to submit the reason for such absences in writing. Such reasons shall be reviewed by the committee at its next regular meeting to determine, at its sole discretion, whether this member shall remain on the committee.

MINUTES: Minutes of meetings shall conform to the requirements of the Open Meetings Act and shall be published on the UNMC website. Minutes will be taken by the Committee Secretary or his/her appointee if he/she is not available.

EXPENSES: Members may be reimbursed for their actual and necessary expenses incurred in order to attend or participate in committee meetings, activities, or events as allowed by Nebraska statute in sections 81-1174 to 81-1177.

ARTICLE SEVEN – WORKGROUPS

The Chairperson may appoint or otherwise establish ad-hoc and permanent workgroups from the committee to accomplish specific tasks or purposes. Non-members may be added to committees other than the Executive Committee when specialized expertise is needed.

ARTICLE EIGHT – OFFICERS

SELECTION: The Committee shall select a Chairperson, a Vice-Chairperson, and a Secretary, which will serve as the Executive Committee. The Chairperson shall hold office for a three-year term, with the option of holding that office for two terms. The Vice-Chairperson and Secretary positions will not have term limits. Officers shall be nominated from the non-Departmental members roster.

DUTIES: The duties of the officers shall be:

- The Chairperson shall preside at all committee and officer meetings, and perform other duties designated by the committee. The Chairperson shall represent the Committee in working with the University of Nebraska Medical Center.
- The Vice-Chairperson shall act for the Chairperson in his/her absence and perform other duties designated by the committee.
- The Secretary shall act for the Chairperson in absence of the Vice-Chairperson; record and report the minutes of the meeting, attest to the accuracy and completeness of the official records of the committee, and perform other duties designated by the committee.

TERM: Election of officers shall be by vote of the committee annually at its last scheduled meeting of the state fiscal year for the positions of Vice-Chair and Secretary and every three years for the Chairperson position. In case of a vacancy in an office, voting for that position shall be held by the second meeting of the position's vacancy.

ARTICLE NINE – EXECUTIVE COMMITTEE MEETINGS

EXECUTIVE COMMITTEE MEETING: The officers shall be comprised of the Chairperson, Vice-Chairperson, and Secretary.

DUTIES: The officers shall approve proposed agendas for meetings of the committee; may act on matters of immediate necessity or urgency when convening the committee is not feasible; and perform other actions designated by the committee. Actions by the officers shall be recorded in minutes and reported to the entire committee promptly. Such actions shall be included on the agenda of the next regular meeting of the committee to be affirmed by an appropriate vote.

ARTICLE TEN – REPORTS

RECORDS: UNMC shall maintain program records as required by the Records Management Act.

ANNUAL REPORT: An annual report will be generated within four months of the end of the UNMC business year and posted to the UNMC website.

DATA COLLECTION BURDEN: Data collection and evaluation shall not be a burden or unnecessary hardship to individuals with a brain injury or service providers.

PERSONNEL: The committee anticipates having no staff other than contracted services from UNMC.

ARTICLE ELEVEN – ADOPTION

AMENDMENTS: The committee shall review these bylaws at least every three years. Proposed amendments shall be distributed to committee members not less than thirty days prior to the meeting at which a vote on any proposal is scheduled. An affirmative vote of two-thirds of appointed committee members shall be required to approve or amend these bylaws.

ADOPTION: These bylaws were originally adopted at the meeting of the Brain Injury Oversight Committee held on the day of February 25, 2021.

Chairperson

Secretary

Vice-Chairperson

UNMC Liaison