

**Virginia Brain Injury Council Meeting**  
**Meeting Minutes**  
**January 25, 2008**

**Members Present:**

Paul Aravich, Ph.D.	Eastern Virginia Medical School
Theresa Ashberry	Family member
Scott Bender, Ph.D.	University of Virginia Health System
Helen Butler, RN	Brain Injury Services of SWVA
Tia Campbell, RN, BSN, NCSN	Virginia Department of Education
Gary Chiaverotti	Family member
Anne McDonnell, MPA, OTR/L	Brain Injury Association of Virginia
*Via Teleconference as an accommodation	
Page Melton	Family member
Carole Norton, Ph.D	Professional
*Via Teleconference as an accommodation	
Patti Goodall	Virginia Department of Rehabilitative Services
Susan Rudolph, RN	The Arc of Greater Prince William
Micah Sherman	Survivor
Gerald Showalter	Woodrow Wilson Rehabilitation Center
Jenny Toth	Brain Injury Association of America
Julie Triplett	Virginia Office of Protection and Advocacy
Jason Young	Alliance of Brain Injury Service Providers

**Members Absent:**

Kelli Williams	Professional
Nancy Bullock, RN	Virginia Department of Health
Katherine Lawson	Virginia Board for People with Disabilities
Michelle Nichols	McGuire Veterans Administration Medical Center
Nadia Webb, Psy. D.	Professional
Russell Payne	Virginia Department of Mental Health, Mental Retardation & Substance Abuse Services
Paul Sharpe, RN, NREMT-P	Virginia Department of Health

**Board Staff:**

Kristie Chamberlain	Virginia Department of Rehabilitative Services
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**Others in Attendance:**

Karen Brown	Brain Injury Services, Inc.
Mary-Margaret Cash	Virginia Department of Rehabilitative Services
Jennifer Clarke	Brain Injury Association of Virginia
Marilyn Copeland	Brain Injury Association of Virginia
Commissioner Jim Rothrock	Virginia Department of Rehabilitative Services
Harry Weinstock	Virginia Department of Rehabilitative Services

## **CONVENING OF THE MEETING**

The Virginia Brain Injury Council meeting was called to order at 1:08 p.m. by Helen Butler, Secretary who agreed to chair the meeting, as Anne McDonnell was participating via teleconference as an accommodation. Acting Chair, Helen Butler, invited guests to join Council members at the table, as space allowed. Council members and guests introduced themselves.

### **Approval of Minutes**

Anne McDonnell noted a few corrections to be made in the October 26, 2007 meeting minutes:

1. Secretary Tavenner's name was spelled incorrectly;
2. Clarification that BIAV received CNI funding to research more effective approaches to outreach to individuals who sustain a brain injury; also, contract ends June 2009 not 2008.
3. In regard to BIAV's "in-kind" contribution sheet, "Clark" should be "Clarke." Also, the form tracks the hours spent on Council activities including travel but *not* meals.
4. Gerald Showalter's last name has one "w" instead of two.

**Micah Sherman made a motion to accept the minutes with the corrections, Scott Bender seconded. The motion passed unanimously.**

### **Approval of Agenda**

The January 25, 2008 agenda was distributed and adopted with no changes.

### **Public Comment:**

No public comment was given during the Public Comment period. Acting Chair, Helen Butler indicated that public comments would be accepted throughout the meeting as requested by guests and recognized by the Chair.

**Member and Officer Terms Ending:** Susan Rudolph's term as Vice Chair ended, and Carole Norton assumed this officer position, effective immediately. Susan was thanked for her hours of dedication in her position as Vice Chair and in serving as Chair of the Nominations & Elections Committee. Commissioner Rothrock thanked other members whose terms were ending at the conclusion of the meeting (see below).

**Remarks from the DRS Commissioner:** Commissioner Jim Rothrock provided the following updates, announcements and suggestions:

- 1) The Commissioner recognized Council members whose terms were ending at the conclusion of the meeting. He thanked them for their contributions and dedication to the Council in attending meetings and serving on committees: Susan Rudolph, RN, Vice Chair and licensed professional; Gary Chiaverotti and Page Melton, family members; Nadia Webb, Pys.D., licensed professional; and Jeanette DuVal, professional (Ms. DuVal resigned from the council early due to a heavy workload).
- 2) The Commissioner discussed helmet legislation currently being considered in the General Assembly. Senate Bill (SB) 698 (introduced by Senator Chap Petersen) *provides for a \$25 civil penalty for the conviction of a motorcyclist who fails to wear a helmet. At present, a violation is a traffic infraction and punishable by a fine of up to \$250...* The Commissioner encouraged Council members to share their opinions – as individuals – regarding the bill (not as a member or representative of the Virginia Brain Injury Council,

- a public body). The Department of Rehabilitative Services will be invited to comment on the bill once it goes to the House.
- 3) House Bill (HB) 1173 (introduced by Delegate Scott Lingamfelter): “*Motorcyclists: Allows certain persons at least 21 years of age to ride without helmets*” was introduced and failed. Delegate Charles Carrico, Sr. from the counties of Carroll, Grayson, Smith and Wythe & City of Galax (a retired state policeman) spoke out very strongly against the bill. His seatmate and close friend is the delegate who patroned the bill. The Commissioner recommended that the Council send him a letter of gratitude for courageous leadership in voicing his opinion.
  - 4) There is legislation in the House and Senate with budget amendments in both houses that would direct the Department of Rehabilitative Services (DRS), the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), and the Virginia Department of Veterans Services (DVS) to develop a strategic plan for working with returning veterans who have substance abuse and mental health issues as a result of injury. There is hope that there will be funding to purchase services through the community services boards, through community based brain injury services providers.
  - 5) The Commissioner spoke about the budget amendments developed by the Virginia Alliance of Brain Injury Services Providers to expand the brain injury network. Governor Kaine just announced that Virginia will not have the revenue it had originally forecasted, thus the likelihood of any budget additions is unlikely. At the same time, the General Assembly is very interested in issues associated with the Virginia Tech shooting and there will probably be mental health advancements. Veterans’ issues remain a hot topic in the General Assembly.
  - 6) The Commissioner stated that national political cartoonist Gary Trudeau, creator of *Doonesbury*, is currently focusing on a character who is a veteran with a brain injury named Toggle. <http://www.doonesbury.com/strip/dailydose/>. Past comics can be found in the archives.
  - 7) The Commissioner reminded the Council of its primary duty to provide his office (DRS) with advice on how to spend brain injury state general fund dollars when said funds become available. The language amendment states that the Commissioner’s office shall consider recommendations from the VA Brain Injury Council regarding new funds allocated for brain injury services and administered through DRS. He asked that as the Council participates in its various tasks and duties that it remains aware of their number one role to provide recommendations on the spending of state general funds (where the need is, what type of program is needed, how to award funds). He sees the Council having two major roles: Provide advice to him and to the agency, and make recommendations on how dollars should best be spent.

### **Miscellaneous**

- a. Patti Goodall reminded the Council that there will be a federally mandated Public Hearing on DRS’ State Plan for Vocational Rehabilitation and Supported Employment from 4-5 p.m., immediately following the Council meeting.
- b. Paul Aravich suggested that the Council and the Brain Injury Association of America (BIAA) compliment Gary Trudeau for his “Toggle” story in *Doonesbury* by writing a letter commending him for creating the character and raising awareness about the issues that veterans with brain injury face.

### **NEW BUSINESS**

#### **Legislative Agenda of the Virginia Alliance of Brain Injury Service Providers**

Jason Young also reminded Council members about the Alliance's Brain Injury Legislative Reception on Monday February 4, 2008, Room 4 West of the General Assembly Building, starting at 9:30 a.m.. Jason said that five veterans will be introduced and recognized on the floors of the House and Senate. Dr. Paul Aravich will have a brain and spinal cord display. The Alliance has talking points for those who wish to visit legislators during the day.

Jason Young reviewed the Alliance's two main budget amendments totaling \$6,000,000:

**A) Funding for Neurobehavioral Services**

**House Patron: Phil Hamilton**

**Senate Patron: Ed Houck**

*Without appropriate treatment, some individuals with severe behavioral problems can pose a threat to themselves and to the safety of the community. The 2007 JLARC report, Access to State Funded Brain Injury Services, concludes "There is virtually no system of care in the community for people with behavioral problems who do not have the financial resources to pay for private care." State general funds are requested to provide neurobehavioral health care to persons with brain injury; services would include 24 hour support and supervision, ongoing behavioral interventions, neuropsychological services, and medication management. The money would be directed to the Department of Rehabilitative Services (DRS), and would be administered through the Brain Injury Direct Services Fund.*

**Total: \$2,500,000**

**B.) Funding for Community Based Brain Injury Services**

**House Patron: Kirk Cox**

**Senate Patron: Emmett Hanger**

*The General Assembly has allocated funding for core services for Virginians with brain injury (case management, transitional day programs, and regional resource coordination). The 2007 JLARC report of Brain Injury Services concluded that these core services are a cost effective investment for the state, providing very beneficial community based care far less expensively than institutionally based care.*

*However, the JLARC report concludes that access to these core services is limited and needs to be improved. Large areas of Virginia still lack services; in areas that do have services, survivors often face extensive waiting lists. Funding is requested for expansion of services into unserved and underserved parts of the Commonwealth; to address existing wait lists; for outreach, information and referral services; and for DRS funded brain injury services.*

**\*\*Funding allocation:**

Expansion of core footprint of services: 15 Case Managers, 5 Regional Resource Coordinators, 2 Day Programs	\$2,000,000
Increased funding for existing services to address wait lists: Outreach, Information and Referral	\$1,000,000
Funding for DRS Services:	\$250,000
<b>Total:</b>	<b>\$3,500,000</b>

- **\*\*The \$6 million funding is directed to the Brain Injury Discretionary Services Fund (BIDS) Fund, administered by the DRS Brain Injury & Spinal Cord Injury Services Unit managed by Patti Goodall. Patti reviewed the origin, purpose, and operation of the "BIDS Fund" for the Council members who were not familiar with the Fund. Patti indicated that if funding was designated for neurobehavioral services there would be a division of dollars within the BIDS fund to ensure that amount of money is only spent on neurobehavioral.**

Jason Young added that there is another brain injury budget amendment from the National Rehabilitation & Rediscovery Foundation (NRRF), run by Marianne Talbot. The budget amendment is for \$350,000 for her program which is located in Northern Virginia. NRRF

operates a movement therapy / dance program for individuals with brain injury, and also provides services to veterans. NRRF has received one-time, one-year funding from the General Assembly for the past few years. However, this budget amendment would enable the program to receive state funds annually. Jason clarified that NRRF's budget amendment is not related to the Alliance's two budget amendment requests.

### **Nominations & Elections Committee**

Susan Rudolph presented the nominations slate for the five (5) vacant At-Large Member positions. The Nominations and Elections Committee selected three individuals "*licensed, registered or certified in a health care profession,*" and two individuals for "*individuals who have sustained a brain injury (survivors), family members, caregivers, or representatives of individuals with a brain injury*"

### **The slate is as follows:**

For the two open At-Large Member positions under the category "**individual licensed, registered or certified in a health care profession,**" the Committee has listed its recommendations in priority order, below (a total of four candidates, with top two individuals being recommended for final slate). The Committee is recommending Lisa Garver, Alan Towne, Ph.D. and Victoria Harding, SLP as their three top recommendations in this category. Again, remember that all candidates' names in the matrix – including the additional "back up" candidate - will be submitted to the Commissioner for consideration.

1. **Lisa Garver, MA, NCC, CBIS- Springfield**
2. **Alan Towne, Ph.D.-Richmond**
3. **Victoria Harding, SLP-Blacksburg**
4. *Scott Sautter, Ph.D., ABPN-Virginia Beach*

For the two open At-Large Member positions under the category "**individuals who have sustained a brain injury (survivors), family members, caregivers, or representatives of individuals with a brain injury,**" the Committee has listed its recommendations in priority order, below (a total of five candidates, with top two individuals being recommended for final slate). The Committee is recommending Mark Salisbury and Terry Miles. Again, remember that all candidates' names in the matrix – including the three additional "back up" candidates – will be submitted to the Commissioner for consideration.

1. **Mark Salisbury – family member - Yorktowne**
2. **Terry Miles – survivor - Jarratt**
3. *Pamela Green – family member - Norfolk*
4. *Jeff Carpenter – survivor - Fairfax*
5. *Dan Henson – survivor - Montpelier*

**Susan Rudolph made a motion asking Council to accept the At-Large Member slate as presented. Paul Aravich seconded. The motion passed unanimously. (Per bylaws, the slate will go to Commissioner for his review / appointment.)**

### **OLD BUSINESS**

#### **Federal TBI Act Grant Update**

Patti Goodall informed the Council that Anne McDonnell and Patti Goodall will be working on DRS' Continuation Application which is due February 18. This is the third and final year of Virginia's federal TBI Act grant proposal. DRS/BIAV currently receive \$118,000 in federal money and will ask for \$118,000 for Year Three; however, funds are limited at the federal level.

Ann Deaton, Ph.D. will present on the status of the Brain Injury State Action Plan at the April Council meeting.

Jennifer Clarke from the Brain Injury Association of Virginia (BIAV) distributed a written report on federal grant activities:

- Distributed over 300 pieces of specialized materials to professionals, educated over 60 professionals through training, presentations and workshops (e.g., held a workshop with the Dept. of Veterans Services in Virginia Beach on caregiver issues; sent materials to middle school nurses in Southside Virginia who requested pediatric brain injury flyers; conducted eight Advocacy Academy trainings which were attended by a total of 125 survivors and caregivers).
- Brain Injury Association of Virginia (BIAV) annual conference is March 8, 2008. Brochures are available.
- The McGuire Veterans relationship is still growing. Jennifer is attending a health fair at the Fort Lee Army Base. Gary Chiaverotti commented that he has helmets BIAV can give to the army bases in the future.

### **Codification**

As follow-up to a motion made in October to convene a subcommittee comprised of Council Executive committee members to analyze the pros and cons of codifying the Council, Anne McDonnell, Chair, stated that the Executive committee (Chair, Vice Chair, Secretary, and Immediate Past President) met via teleconference to discuss the pros and cons of codification. Anne then met with Commissioner Rothrock to discuss the issue. Anne discussed the importance of moving ahead carefully because the issue of how members are to be appointed has not been thoroughly explored, and that some Council members may wish to speak with or "advise" legislators, but it is not the state's purpose for the Council, which is to advise the Commissioner. Anne felt that until these two issues were resolved by Council, they were not ready to move forward with codification. Helen Butler, Secretary and Acting Chair indicated that the Executive Committee will hold more in-depth discussions on Codification. Anne added that if any Council member wished to contribute his/her opinion or join the Executive Committee during these discussions, to contact her or another Officer. The Executive Committee requested that Staff to the Council be a part of the discussions on codification. Mary-Margaret Cash will also be available for consultation on codification issues. Ms. Cash also indicated that the Attorney General can also provide legal guidance once the Council reaches that point.

### **Committee Reports**

- 1) Bylaws Committee. Helen Butler, Chair of the Bylaws Committee, reviewed the revised version of the Bylaws that was sent out for electronic vote on November 14, 2007. The electronic vote was deferred to the January 25, 2008 meeting when a member expressed concern that the recommendations of the Council Composition Committee, which had been voted on by Council, had not been followed by the Bylaws Committee. The issues were resolved via a conference call discussion involving several members of both committees. The Bylaws Committee changed the language in Article IV describing designated slots on Council from the words "Up to..." to "At least..." and restricted the

designated profiles of desired members to At-Large Members only. The Council Composition Committee intended, as relayed by committee chair Page Melton, the designated number of member profiles to be a minimum of 13 rather than a maximum of 13. Further, Page stated the designated profiles are to apply to all voting members to assure healthy representation of survivors and family members and other specific professionals across voting member categories.

New language for the Bylaws was proposed, to change the wording back to “At least...” and to clarify that the thirteen (13) designated profiles were applicable to all of the voting members. **Susan Rudolph made a motion to approve the Bylaws with the proposed wording changes related to the designated profiles. Page Melton seconded the motion.** Discussion ensued and members also proposed a language change regarding the specific number of At-Large Members on Council: change the words from “...Council *may elect up to* thirteen (13) At-Large Members...” to the words “...Council *shall elect thirteen* (13) At-Large Members.” Patti Goodall then recommended that the paragraph describing the designated profiles section follow the “Office Positions” section. Patti also asked that Council to allow staff to alter the formatting of Article IV and do minor tweaking of wording as necessary to fulfill the intent of the proposed changes. **Susan Rudolph amended her motion to include all of the proposed changes described above (i.e., the minimum number and description of designated profiles on Council, the number of At-Large Members, and the re-formatting of the Bylaws by staff). Micah Sherman seconded. A vote was taken and the motion passed unanimously.**

- 2) Neurobehavioral Services Committee. The committee put together a revised draft copy which was sent to all Council members. Of the 14 Neurobehavioral Services Committee members who reviewed the latest draft, nine responded. Of these nine, six were in favor of approving the document as written and willing to send it to Council for consideration. One individual did not have time to review it, but agreed to go with the majority vote of the committee. Two of the respondents had substantive concerns and submitted comments. Given the fact that not all members had a chance to review and read it, and two members had major concerns, the presentation of the draft is tabled until the April meeting. Dr. Aravich stated he wanted the Neurobehavioral Services Committee to make a “conclusive, consensus statement” on the neurobehavioral needs and available data in the Commonwealth when the report is finished.

**Jason Young made a motion if funding is approved for neurobehavioral services through the General Assembly this year that the current Neurobehavioral Services Committee meet as soon as possible to advise the Council on its recommendations for allocating funds. Scott Bender seconded. The motion passed unanimously.**

- 3) Veterans Committee. Anne McDonnell, Chair of the Veterans Committee gave a brief update in addition to the written committee report. It was decided that the best avenue for the committee is to provide updates to the Council on the current Veterans issues. The Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) comprehensive state plan has a lot of information referencing brain injury so Anne encouraged members to read it. The National Easter Seals website also has two pages devoted to veterans, indicating that they are serving individuals from the armed services with brain injury.

**ADJOURNMENT OF THE MEETING:**

Helen Butler, Secretary and Acting Chair, adjourned the meeting 3:57 p.m.

Respectfully submitted by Kristie Chamberlain, Staff to the Virginia Brain Injury Council